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

**SECOND REPORT UNDER THE VISA SUSPENSION MECHANISM**

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## **I. INTRODUCTION**

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

The statistical part covers those 26 EU Member States, applying Regulation (EU) 2018/1806 as well as the four Schengen Associated Countries (hereinafter referred to as "the Schengen+ area")<sup>1</sup>. The assessment of specific areas is based primarily on: information provided to Eurostat<sup>2</sup> by countries in the Schengen+ area, information provided by EU Agencies (Europol, eu-LISA, the European Asylum Support Office (EASO), the European Border Coast Guard Agency (EBCGA) and Eurojust), as well as by exchange of information between the Commission, European External Action Service (EEAS) and authorities of the visa-free countries.

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

### **II.1 WESTERN BALKANS**

#### **II.1.1 ALBANIA**

##### **Irregular migration, including readmission**

**Detections of illegal border crossing:** As regards irregular migration challenges, according to EBCGA data, the number of detections of illegal border crossings of Albanian nationals is the highest among the other countries analysed in this report. However, in 2018 so far (first half) 2,905 people were detected compared to 3,984 detections in the same period of 2017 (first half), which is a 27% decrease.

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

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

<i>Detections of illegal border crossing by nationals of Albania</i>	
<b>2018 (1st half)</b>	2,905
<b>2017</b>	7,401
<b>2016</b>	5,475
<b>2015</b>	9,459

Source: FRAN and JORA data (as of 5/09/18)

**Refusal of entry at the external borders:** Between 2016 and 2017 the refusal of entry slightly increased by 13% (from 30,305 in 2016 to 34,310 refusals in 2017) compared to the high increase recorded between 2015 and 2016 (around 90%). Similarly to 2016, the most-affected EU Member State remained Greece, followed by Italy.

<i>Refusals of entry for nationals of Albania</i>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Schengen+ area</b>	<b>1,715</b>	<b>2,195</b>	<b>15,990</b>	<b>12,495</b>	<b>12,260</b>	<b>13,240</b>	<b>15,835</b>	<b>30,305</b>	<b>34,310</b>
<b>Greece</b>	670	1,015	9,000	7,415	4,845	3,800	4,440	15,930	17,045
<b>Italy</b>	435	575	4,930	2,920	3,105	3,375	3,760	5,280	6,495
<b>Croatia</b>	N/A	N/A	N/A	N/A	1,125	1,560	1,730	1,955	2,380
<b>Hungary</b>	35	50	210	180	840	1,400	1,795	1,855	1,955
<b>France</b>	105	60	170	90	150	105	335	1,510	1,875

Eurostat, last update 24/08/18

**Illegal stay:** In 2017 the number of Albanian nationals found to be illegally present increased (by 11%) up to 37,325, compared to 33,445 illegal stays in 2016, when the number had registered a decrease by around 30% compared to 2015. Greece and Germany remained the most affected countries also in 2017.

<i>Illegal stay by nationals of Albania</i>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Schengen+ area</b>	<b>68,700</b>	<b>52,280</b>	<b>16,660</b>	<b>17,795</b>	<b>25,815</b>	<b>29,895</b>	<b>47,755</b>	<b>33,445</b>	<b>37,325</b>
<b>Greece</b>	63,140	47,120	11,225	10,525	15,555	15,090	16,910	11,335	13,280
<b>Germany</b>	615	460	545	855	1,345	1,920	17,995	10,520	10,640
<b>France</b>	635	560	1,495	1,750	3,170	5,255	5,540	4,635	5,095
<b>Italy</b>	2,875	2,820	1,715	2,230	2,265	2,390	2,555	2,270	2,330
<b>Slovenia</b>	45	95	130	85	105	165	165	640	1,040

Eurostat, last update 22/08/18

**Asylum applications:** The number of asylum applications has continued to decrease in 2017, with 24,070 applications submitted in 2017 compared to 30,840 in 2016, amounting to a decrease of around 22% (between 2015 and 2016 the number had already decreased by 54%). To be noted that in the period 2014-2016 Germany was the most-affected EU Member State followed by France; while in 2017 this trend reversed with France being the EU Member State with the highest number of asylum applications lodged by Albanians, followed by

Germany. The asylum recognition rate increased to 5.19% in 2017 (compared to 2.12% in 2016).

<i>Yearly total number of asylum applications by nationals of Albania</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>1,810</b>	<b>1,720</b>	<b>2,685</b>	<b>6,670</b>	<b>9,685</b>	<b>15,185</b>	<b>66,715</b>	<b>30,840</b>	<b>24,070</b>
<b>France</b>	560	515	505	2,705	5,065	3,000	3,650	7,445	12,130
<b>Germany</b>	55	45	85	250	1,295	8,110	54,760	17,230	6,090
<b>Greece</b>	515	695	275	385	580	570	1,005	1,425	2,450
<b>Belgium</b>	280	245	1,290	1,075	775	730	825	815	880
<b>Sweden</b>	115	65	275	1,495	1,160	1,705	2,610	780	755

Eurostat, last update 24/10/18.

As regards monthly asylum applications, in the first half of 2018 the number of asylum applications decreased by around 32% (8,525) compared to the same period in 2017 (12,635). In 2017-2018, France has been the Member State receiving the majority of asylum applications, followed by Greece which, in the first half of 2018, overtook Germany as the second most affected Member State.

<i>Monthly asylum applications by nationals of Albania</i>	2017 M01	2017 M02	2017 M03	2017 M04	2017 M05	2017 M06	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06	2017 1st half	2018 1st half
<b>Schengen+ area</b>	<b>2,015</b>	<b>1,660</b>	<b>2,370</b>	<b>2,240</b>	<b>2,180</b>	<b>2,170</b>	<b>1,500</b>	<b>1,350</b>	<b>1,580</b>	<b>1,405</b>	<b>1,350</b>	<b>1,340</b>	<b>12,635</b>	<b>8,525</b>
<b>France</b>	1,040	880	1,205	1,170	1,160	1,055	720	710	720	630	565	630	<b>6,510</b>	<b>3,975</b>
<b>Greece</b>	105	100	125	190	250	245	235	230	285	305	305	250	<b>1,015</b>	<b>1,610</b>
<b>Germany</b>	635	420	720	645	490	540	320	215	265	235	185	200	<b>3,450</b>	<b>1,420</b>
<b>Italy</b>	35	30	50	40	60	50	45	60	105	70	105	85	<b>265</b>	<b>470</b>
<b>Sweden</b>	35	30	60	50	55	90	50	40	50	50	55	50	<b>320</b>	<b>295</b>

Eurostat, last update 20/11/18

**Readmission and return<sup>3</sup>:** Member States praise the good implementation of the EU–Albania Readmission agreement. and its implementing protocols. Readmission is functioning well, with the country swiftly honouring readmission requests from EU Member States both on own and third country nationals. The number of asylum applications has been decreasing over the years, which is a positive sign, especially after the peak of first time asylum applications by Albanian nationals in the EU in 2015 and considering the low asylum

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

recognition rate. The number of return decisions has dropped from 38,960 in 2015 to 27,515 in 2017. Meanwhile, the return rate stayed above 100%<sup>4</sup> in 2017, which shows that Albanian nationals ordered to leave are effectively returned by Member States (Greece accounting for more than 9,000 return decisions in 2017, followed by France, Germany, Italy, Belgium, The Netherlands, and Sweden).

	2015			2016			2017		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	<b>38,960</b>	<b>33,985</b>	<b>87%</b>	<b>31,895</b>	<b>41,365</b>	<b>130%</b>	<b>27,515</b>	<b>29,850</b>	<b>108%</b>
<b>Germany</b>	10,960	15,730	144%	10,900	22,890	210%	4,330	10,395	240%
<b>Greece</b>	12,000	9,630	80%	7,730	9,690	125%	9,135	11,165	122%
<b>Denmark</b>	75	120	160%	85	110	129%	80	90	113%
<b>Norway</b>	920	620	67%	535	495	93%	355	340	96%
<b>Netherlands</b>	475	545	115%	1585	1765	111%	1120	1025	92%

Eurostat, last update 21/08/18

Implementing protocols exist with Austria, the Benelux, Bulgaria, Czech Republic, France, Italy, Hungary, Malta, Portugal and Slovakia. An Implementing Protocol with Spain has been signed in July 2018 and has been ratified by the Albanian Parliament. As soon as it has gone through the Spanish ratification procedure, it will be notified to the Joint readmission Committee for its entry into force. The negotiation of an Implementing Protocol with Greece has been undertaken long time ago at Albania's request. Albania and Greece are about to sign an agreement in order to open a Common Centre for Police and Customs at the biggest southern border crossing point.

Bilateral readmission agreements are in place between Albania and Bosnia and Herzegovina, Croatia, Denmark, the former Yugoslav Republic of Macedonia, Iceland, Norway, Moldova, Montenegro and Serbia. Negotiations started with Russia in 2015 and are ongoing. Following the recommendations of last year's First Report under the Visa Suspension Mechanism, negotiations have been proposed to Morocco, Afghanistan, Iraq and Iran.

Albania is the first country in the region to have signed an **EBCG Status Agreement** with the EU on 5 October 2018. The Status Agreement adds a new layer of protection to controlling mixed migration flows along the Western Balkan migration route. Albania has also a working arrangement with the EBCGA to strengthen the operational cooperation.

Albania has continued to strengthen its operational cooperation with the EU Member States most affected by irregular migration from Albania, including information exchange with Member States on Schengen entry bans. The Albanian authorities have been working very

4 For the calculation of the return rate, the amount of returnees in a given year is compared to the amount of return orders in that same year. A return rate higher than 100% indicates that the country is effectively catching up on a backlog from previous years).

closely with most the affected EU Member States to address the irregular migration of unaccompanied minors, the facilitation of irregular migration, operational cooperation to address irregular migration and information exchange, document fraud and information campaigns on the rights and obligations of the visa-free travel. Four Albanian police liaison officers are posted in France to support the French law enforcement authorities in cases where Albanian nationals are involved. Albania has also introduced tighter checks at border crossing points.

The Albanian authorities undertook countermeasures and increased the border controls, considering that the migratory flows along the so-called coastal route (including via Albania) increased in 2018. In the first half of 2018, there were 2,950 irregular migrants arriving to Albania (especially from Greece), almost three times more than the overall figure for the whole of 2017. The flow remains of a transit nature, with the vast majority of irregular migrants and asylum seekers leaving the country after a few days. Even though the capacity of Albania to host irregular migrants is satisfactory so far, it needs close monitoring.

The increase in reception capacity in Albania throughout 2017 (via enlargement of Babbu/National Centre for asylum seekers and IOM's new centre in Gjirokastra) has improved the capacity to cope with rising numbers. The asylum centre in Babbu, hosting 200 asylum seekers, is currently full, but there are other centres that have capacity to host additional migrants (in Kakavjia and Gjirokastra). The current reception capacity in the country, including the National Centre for Asylum Seekers as well as temporary accommodation facilities in Gjirokastra and Shkodra, stands at 380.

The country still suffers from a deficit of sufficient structures and capacities for border control, security and screening, identification and processing of refugees. The capacity of the National Centre for Asylum Seekers has been enhanced with a doctor and a nurse, social workers and translators, as well as a night shift. The Regional Migration Programme could provide capacity building in this sense (however without logistics or equipment support). The IPA 2018 programme "EU Support to Combat Organised Crime and Drugs" will provide support for an effective management of green borders, blue borders and air borders. This will help ensure effective management of border posts through the provision of equipment and operational support for effective border control and surveillance and for the prevention of illegal activities in the blue border and maritime area.

The preparation of the cross cutting strategy on migration is ongoing. The document will be adopted in Autumn 2018.

### **Public order and security**

Albanian-speaking **organised crime groups (OCGs)** are particularly active across a broad range of criminal activities in the EU, although they cannot be linked to Albania alone. These groups are usually poly-criminal and engage in drug trafficking – notably of cannabis, cocaine and heroin – migrant smuggling, organised property crime, racketeering and extortion. The

action plan on anti-cannabis, which has been revised following advice of EU TAIEX expert missions, has been adopted by the Albanian government in May 2018.

The “Roadmap for a sustainable solution to the illegal possession, abuse and trafficking of SALW in the Western Balkans by 2025” has been adopted (by the Small Arms and Light Weapons Commission) on 28-29 May 2018 in Albania.

Albania also retains one of the largest weapon stocks in the region. Furthermore, between 2012 and 2016, 144 Foreign Terrorist have travelled from Albania to Syria to join the armed conflict. According to the authorities there have been no new departures since 2015. Albania is also working on a draft national strategy on illicit trafficking of arms.

In 2017, a substantial reduction of **cannabis cultivation** and a considerable increase of seizures, in particular of stocks of cannabis, could be observed. Large scale law enforcement operations also led to the successful confiscation of large quantities of cannabis stockpiled from previous crops. In 2018, only a very small number of cannabis plants has been detected (this detection action was carried out through the new aerial survey campaign, co-financed by the EU). According to the figures provided by the State Police, in the first eight months of 2018 a total of 31,495 cannabis plants have been destroyed, out of which 2,716 seedlings. The territory where the plants have been found are not the same as where cannabis plants were identified in the past year. In addition to airborne surveillance, the police is carrying out helicopter and drone monitoring of suspicious areas. The police is also active in investigating the existence of greenhouses, based on intelligence from the secret service but also from information coming from the police. As a result, a greenhouse was detected in Fier. Approximately 36,247 green houses, 14,646 warehouses, 11,401 former military facilities (barracks) and 12,386 abandoned houses have been checked nationwide. Compared to the same period of last year, in 2018 there were 17% less cultivation cases detected, 41% less cultivated parcel, and subsequently almost 46% less plants destroyed.

The number of alerts created by Member States in the Schengen Information System (SIS) based on Article 26 slightly increased between the first and second half of 2017 and almost doubled between the second half of 2017 and first half of 2018. This will require monitoring.

<b>Art. 26 SIS alerts</b>	<b>2017 M01</b>	<b>2017 M02</b>	<b>2017 M03</b>	<b>2017 M04</b>	<b>2017 M05</b>	<b>2017 M06</b>	<b>Total 1<sup>st</sup> half 2017</b>
<b>Albania</b>	43	20	37	27	16	14	<b>157</b>
	<b>2017 M07</b>	<b>2017 M08</b>	<b>2017 M09</b>	<b>2017 M10</b>	<b>2017 M11</b>	<b>2017 M12</b>	<b>Total 2<sup>nd</sup> half 2017</b>
<b>Albania</b>	34	14	15	47	26	38	<b>174</b>
	<b>2018 M01</b>	<b>2018 M02</b>	<b>2018 M03</b>	<b>2018 M04</b>	<b>2018 M05</b>	<b>2018 M06</b>	<b>Total 1<sup>st</sup> half 2018</b>
<b>Albania</b>	39	81	34	47	52	81	<b>334</b>



To target **organised crime**, Albania has continued to tighten its legislation on combating drug trafficking, as well as its criminal code on controlled deliveries. In the framework of strengthening the fight against organised crime, Albania has adopted an action plan on Combating Organised Crime, the "Power of Law" operation, which aims at increasing the results in the fight against organised crime, along with inter-institutional and operational mechanisms, through intelligence, investigation and striking individuals, groups, and various criminal organizations, targeting any illegal asset deriving from criminal activity.

A multidisciplinary, inter-institutional and operational structure was established, **the Special Task Force** at central level together with the Special Local Task Force. The mission of the Task Force is coordinating joint efforts and ensuring the interaction of all institutions involved with legal responsibility for the prevention and combating of crime in general, as well as organised crime in particular, as the key guarantee to the success of this initiative. This Task Force is run by the Minister of Interior as the authority responsible for steering and coordinating the Multi-Front Action Plan against Organised Crime.

It has also amended its legislation to enable weapon tracing and identification. Albania has also taken steps to improve the effectiveness of its law enforcement efforts to combat serious and organised crime. Albania has also strengthened controls of documents at certain border crossing points, including Rinas airport. Seizures of illicit drugs, cannabis in particular, increased substantially between 2015 and 2017.

As regards the **track record in the fight against criminal organisations** and OCGs, the number of new cases has increased in the past years (23 in 2015, 47 in 2016, 34 in 2017, and 32 in the first half of 2018). However, final convictions in organised criminal cases remained very low and have only marginally increased. As regards statistics on serious crimes not linked to criminal organisations and organised criminal groups, the trend of people convicted is increasing, against the background of a higher number of reported cases. In 2017 there were new 2,516 cases related to drug trafficking, with 570 convictions at appeal level. As regards money laundering and trafficking of human beings, there were respectively 403 and 119 new cases, with 24 and 46 people convicted at appeal level. In the first half of 2018, there were 937 new cases of drug trafficking (with 1,005 people involved), 156 of money laundering (with 191 suspects) and 37 of trafficking of human beings. Final convictions at appeal level were respectively 381, 17 and 10.

Statistics also indicate an increasing trend in criminal cases related to the production and cultivation of narcotics: almost 54% in 2015, 66.5% in 2016, 72.3% in 2017, and 67% in the first half of 2018. They are followed by money laundering, trafficking in vehicles, money counterfeiting and forgery, and trafficking in human beings.

Albania has signed a Cooperation Agreement with Eurojust in October 2018. However, it has not yet entered into force. After the ratification by Albania, Eurojust will proceed with a data protection check and afterwards the agreement will enter into force.

## II.1.2 THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

### Irregular migration, including readmission

**Detections of illegal border crossing:** As regards irregular migration challenges, according to EBCGA data, the number of detections of illegal border crossings of people from the former Yugoslav Republic of Macedonia considerably decreased between 2015 and the first half of 2018, with the figures having been very low in absolute terms. Indeed, in 2015 a total of 51 detections were recorded, while in the first half of 2018 there was only one detection (compared to 27 detections in 2017 and 19 in 2016).

<i>Detections of illegal border crossings</i>	
<b>2018 (1st half)</b>	1
<b>2017</b>	27
<b>2016</b>	19
<b>2015</b>	51

Source: FRAN and JORA data (as of 5/09/18)

**Refusal of entry at the external borders:** Between 2016 and 2017, the refusal of entry increased by 28%, with 3,200 refusals in 2017 compared to 2,495 in 2016. Countries close to the former Yugoslav Republic of Macedonia, such as Hungary, Greece, Slovenia, Croatia and Bulgaria, have been mostly affected.

<i>Refusals of entry for nationals of the former Yugoslav Republic of Macedonia</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>2,300</b>	<b>4,165</b>	<b>3,320</b>	<b>2,325</b>	<b>2,465</b>	<b>2,560</b>	<b>2,555</b>	<b>2,495</b>	<b>3,200</b>
<b>Hungary</b>	215	515	555	495	770	915	755	785	880
<b>Greece</b>	450	1,415	950	565	480	510	395	380	600
<b>Slovenia</b>	1,035	1,090	835	475	520	450	450	355	430
<b>Croatia</b>	N/A	N/A	N/A	N/A	165	275	285	200	355
<b>Bulgaria</b>	405	445	440	340	170	40	155	155	180

Eurostat, last update 24/08/18

**Illegal stay:** In 2017 the number of nationals of the former Yugoslav Republic of Macedonia found to be illegally present considerably increased by around 43%, with 6,555 illegal stays in 2017 compared to 4,595 in 2016, when the number registered a decrease of around 13% compared to 2015. Germany has detected the bulk of irregular stays, followed by Hungary, Slovenia and Switzerland.

<i>Illegal stay by nationals of</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
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<i>former Yugoslav Republic of Macedonia</i>									
<b>Schengen+ area</b>	<b>2,320</b>	<b>3,625</b>	<b>3,815</b>	<b>3,920</b>	<b>3,835</b>	<b>4,505</b>	<b>5,265</b>	<b>4,595</b>	<b>6,555</b>
<b>Germany</b>	560	1,125	1,255	1,805	1,970	2,205	3,530	2,560	3,205
<b>Hungary</b>	200	160	275	535	395	505	370	365	1,430
<b>Slovenia</b>	85	420	685	45	35	40	40	365	660
<b>Switzerland</b>	295	430	530	430	285	330	420	480	370
<b>Austria</b>	345	195	175	200	215	180	95	140	200

Eurostat, last update 22/08/18

**Asylum applications:** The number of asylum applications continued to decrease in 2017, with 6,890 applications submitted in 2017 compared to 9,100 in 2016, a decrease of around 24% (between 2015 and 2016 the number fell by 43%). Germany continued to be the Member State receiving the highest number of asylum applications, followed by France, which received 1,115 asylum applications. The asylum recognition rate slightly increased to 1.45% in 2017 (compared to 0.81% in 2016).

<i>Yearly total number of asylum applications by nationals of the former Yugoslav Republic of Macedonia</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>1,010</b>	<b>8,090</b>	<b>6,565</b>	<b>10,780</b>	<b>11,175</b>	<b>10,435</b>	<b>16,110</b>	<b>9,100</b>	<b>6,890</b>
<b>Germany</b>	160	3,545	1,755	6,890	9,415	8,905	14,130	7,010	4,760
<b>France</b>	75	595	745	855	345	235	340	430	1,115
<b>Belgium</b>	305	1,740	1,320	835	425	405	335	165	250
<b>Sweden</b>	90	900	875	615	455	425	465	185	195
<b>Netherlands</b>	15	390	265	60	100	120	110	435	120

Eurostat, last update 24/10/18

As regards monthly asylum applications, in the first half of 2018 the number of asylum applications decreased by around 39% (2,360 asylum applications) compared to the same period in 2017 (3,860). In this period, Germany is the Member State receiving the majority of asylum applications, followed by France.

<i>Monthly asylum applications by nationals of the former Yugoslav Republic of Macedonia</i>	2017 M01	2017 M02	2017 M03	2017 M04	2017 M05	2017 M06	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06	2017 1st half	2018 1st half
<b>Schengen+ area</b>	<b>590</b>	<b>575</b>	<b>945</b>	<b>705</b>	<b>475</b>	<b>570</b>	<b>505</b>	<b>385</b>	<b>450</b>	<b>405</b>	<b>330</b>	<b>285</b>	<b>3,860</b>	<b>2,360</b>
<b>Germany</b>	470	415	730	485	305	415	315	205	255	190	140	145	<b>2,820</b>	<b>1,250</b>
<b>France</b>	55	45	105	100	65	95	140	140	140	175	100	100	<b>465</b>	<b>795</b>

<b>Belgium</b>	10	25	35	25	30	15	20	10	20	15	25	10	<b>140</b>	<b>100</b>
<b>Sweden</b>	10	30	15	15	15	10	10	5	15	10	10	10	<b>95</b>	<b>60</b>
<b>Italy</b>	20	5	0	0	10	0	0	0	5	5	5	5	<b>35</b>	<b>20</b>

Eurostat, last update 20/11/18

**Readmission and return:** Readmission is functioning well, with the country swiftly honouring readmission requests from the countries in the Schengen+ area and with an excellent return rate of 130% in 2017 (5,580 persons were effectively returned in 2017 and 4,290 ordered to leave in 2017). To be mentioned that Germany, Austria, Malta, Poland, Romania and Finland have a return rate in 2017 equal to or surpassing 100%. The majority was being returned from Germany, which accounts for more than 50% of the returnees, followed by Belgium, France, Sweden and Austria.

Despite the overall good functioning, deadlines foreseen in the Readmission Agreement are sometimes not met, but in those cases the country invited EU Member States to consider that when no reply was given within the time limits, the transfer shall be deemed to have been agreed to.

Implementing Protocols have entered into force between the former Yugoslav Republic of Macedonia and Bulgaria, Estonia, Germany, Austria, Slovakia, Italy and the Benelux. The Implementing Protocol signed with Italy in 2015 should be notified soon to the Joint Readmission Committee. Negotiations are ongoing with Lithuania, Latvia, the Czech Republic, Hungary and France. Negotiations with Greece are ongoing.

The implementation of preventive activities in order to avoid abuse of the visa liberalisation is incorporated into an annual action plan implemented by all regional centers for border affairs.

	2015			2016			2017		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	<b>5,475</b>	<b>5,805</b>	<b>106%</b>	<b>6,085</b>	<b>7,720</b>	<b>127%</b>	<b>4,290</b>	<b>5,580</b>	<b>130%</b>
<b>Germany</b>	2,880	4,825	168%	3,715	6,530	176%	2,290	4,500	197%
<b>Austria<sup>5</sup></b>	420	N/A	N/A	525	245	47%	205	255	124%
<b>Malta</b>	30	30	100%	30	30	100%	35	35	100%
<b>Poland</b>	0	0	0	5	5	100%	5	5	100%
<b>Romania</b>	5	5	100%	5	5	100%	5	5	100%
<b>Finland</b>	25	10	40%	30	20	67%	25	25	100%

Eurostat, last update 21/08/18

5 The top 5 countries of the table are ordered according to the return rate of 2017, therefore Austria is included even if data are not available for 2015 (the same occurs for other countries in this document).

The former Yugoslav Republic of Macedonia has a bilateral Readmission Agreement in place with Norway, Moldova, Switzerland, Albania, Bosnia and Herzegovina, Serbia, Montenegro and Kosovo. Negotiations are ongoing with Iceland, Egypt, Russia, Turkey and Iran.

The former Yugoslav Republic of Macedonia is finalising the negotiation of a visa liberalisation agreement with China, in which provisions on readmission are also considered.

The former Yugoslav Republic of Macedonia has successfully finalised negotiations on an **EBCG Status Agreement** with the European Commission enabling the deployment on its territory of team members of the European Border and Coast Guard Agency. It has concluded agreements with Austria, Hungary and Serbia on the management of mixed migration flows, as well as a working arrangement with the EBCGA for strengthening the operational cooperation.

The Law on international and temporary protection aligned with the EU *acquis* entered into force on 19 April 2018. In 2017, a Memorandum of Understanding for the development of tools for upgrading the integrated database on foreigners, including the exchange of asylum data between the Office of the United Nations High Commissioner for Refugees in Skopje and the Ministry of Interior, was signed. A manual for using the integrated database on foreigners will be prepared by the end of 2018, in order to provide its full functioning. In 2017, the relevant government institutions in cooperation with EASO adopted a "Roadmap for establishing asylum system in line with EU standards". The cooperation with EASO was intensified, especially through participation of the former Yugoslav Republic of Macedonia in several workshops related to asylum.

### **Public order and security**

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

The number of alerts created by Member States in the Schengen Information System (SIS) based on Article 26 slightly decreased between the first and second half of 2017 (from 18 to 15) but greatly increased in the first half of 2018 (from 15 to 51). This will require monitoring.

<i>Art. 26 SIS alerts</i>	2017 M01	2017 M02	2017 M03	2017 M04	2017 M05	2017 M06	Total 1 <sup>st</sup> half 2017
<b>Former Yugoslav Republic of Macedonia</b>	5	1	6	3	1	2	<b>18</b>
	2017 M07	2017 M08	2017 M09	2017 M10	2017 M11	2017 M12	Total 2 <sup>nd</sup> half 2017
<b>Former Yugoslav Republic</b>	0	4	1	3	2	5	<b>15</b>

of Macedonia							
	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06	Total 1 <sup>st</sup> half 2018
Former Yugoslav Republic of Macedonia	4	2	18	8	7	12	51

The former Yugoslav Republic of Macedonia has adopted a new national Serious and Organised Crime Threat Assessment (SOCTA) in line with Europol's model, focusing on trafficking in human beings, notably unaccompanied minor. It also adopted a new strategy on combating the trafficking of small weapons as well as a new counter-terrorism strategy. The country aims to step up its efforts to combat drug trafficking. It has also developed a regional SOCTA with Serbia and Montenegro.

As regards law enforcement, efforts to crack down on **drug trafficking** have resulted in increased seizures of drugs, in particular cannabis and synthetic drugs, and the disruption of several drug trafficking gangs and the dismantling of one illegal laboratory. The efforts continue and between January and August 2018, five criminal groups involved in marijuana trafficking were stopped.

A national coordinator has been appointed to oversee efforts to combat **terrorism**. Law enforcement cooperation with Western Balkan partners, Italy and Slovenia has improved, as has the operational cooperation with Europol. The country has also signed bilateral agreements and memoranda of understanding with Austria, Italy, Poland, Slovakia and Slovenia to enhance law enforcement cooperation and the fight against serious crime. There is a continuous increase in the number of initiated cases and exchanged messages between the country, Europol, Europol member countries and third partners. The country has a working arrangement in place with CEPOL, the European Agency for Law Enforcement Training.

A cooperation agreement between Eurojust and the former Yugoslav Republic of Macedonia is in place since June 2010. The country has appointed a Liaison Prosecutor, who started at Eurojust in November 2018. The national contact points are in place.

### II.1.3 BOSNIA AND HERZEGOVINA

#### Irregular migration, including readmission

**Detections of illegal border crossing:** As regards irregular migration challenges, according to EBCGA data, the number of detections for illegal border crossings has been following a decreasing trend since 2015. Indeed in 2015 there were 150 illegal border crossings, and this figure has been declining to only 16 people detected in the first half of 2018 (85 detections in 2017, 89 in 2016).

<i>Detections of illegal border crossings</i>	
<b>2018 (1st half)</b>	16
<b>2017</b>	85
<b>2016</b>	89
<b>2015</b>	150

Source: FRAN and JORA data (as of 5/09/18)

**Refusal of entry at the external borders:** The refusal of entry in 2017 stayed almost at the same level as in 2016 (5,145 cases in 2017 compared to 5,150 in 2016). Croatia is the most affected country, followed by Slovenia.

<i>Refusals of entry for nationals of Bosnia and Herzegovina</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>1,280</b>	<b>865</b>	<b>1,695</b>	<b>1,610</b>	<b>6,045</b>	<b>4,910</b>	<b>5,185</b>	<b>5,150</b>	<b>5,145</b>
<b>Croatia</b>	N/A	N/A	N/A	N/A	4,515	3,540	3,525	3,525	3,520
<b>Slovenia</b>	1,025	630	1,230	1,215	1,145	865	865	720	745
<b>Hungary</b>	100	140	210	225	240	360	585	570	405
<b>France</b>	25	5	10	5	10	15	45	135	165
<b>Sweden</b>	0	0	10	5	10	25	50	80	105

Eurostat, last update 24/08/18

**Illegal stay:** In 2017 the number of nationals from Bosnia and Herzegovina found to be illegally present in the Schengen+ area increased by about 13%, with 4,135 illegal stays compared to 3,645 illegal stays in 2016. Germany and Slovenia remained the most affected countries also in 2017.

<i>Illegal stay by nationals of Bosnia and Herzegovina</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>2,200</b>	<b>2,345</b>	<b>2,795</b>	<b>2,920</b>	<b>3,220</b>	<b>3,950</b>	<b>3,585</b>	<b>3,645</b>	<b>4,135</b>
<b>Germany</b>	685	650	790	1,095	1,330	1,640	1,715	1,440	1,450
<b>Slovenia</b>	315	400	555	140	115	175	175	495	900
<b>Croatia</b>	N/A	N/A	N/A	N/A	195	400	390	395	340
<b>Hungary</b>	70	60	95	110	175	250	290	280	330
<b>Austria</b>	170	180	175	245	275	255	70	180	260

Eurostat, last update 22/08/18

**Asylum applications:** The number of asylum applications has continued to follow a decreasing trend since 2014. More specifically, 2,790 asylum applications were submitted in 2017 compared to 4,495 in 2016, which represents a 38% decrease. Germany received the highest number of asylum application in 2017, followed by France. The asylum recognition rate increased to 5.66% in 2017 (compared to 3.10% in 2016).

<i>Yearly total number of asylum applications by nationals of Bosnia and Herzegovina</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>1,600</b>	<b>2,295</b>	<b>2,965</b>	<b>6,395</b>	<b>7,320</b>	<b>10,895</b>	<b>9,100</b>	<b>4,495</b>	<b>2,790</b>
<b>Germany</b>	250	355	405	2,370	4,845	8,475	7,475	3,105	1,435
<b>France</b>	450	500	250	785	925	845	400	480	780
<b>Sweden</b>	135	120	970	1,555	520	495	540	155	160
<b>Italy</b>	100	815	285	275	180	170	135	130	85
<b>Netherlands</b>	20	10	30	70	85	130	125	295	70

Eurostat, last update 24/10/18

As regards monthly asylum applications, in the first half of 2018 the number of asylum applications decreased by around 27% (1,080 asylum applications) compared to the same period in 2017 (1,485). In this period, Germany and France are the Member States receiving the majority of asylum applications.

<i>Monthly asylum applications by nationals of Bosnia and Herzegovina</i>	2017 M01	2017 M02	2017 M03	2017 M04	2017 M05	2017 M06	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06	2017 1st half	2018 1st half
<b>Schengen+ area</b>	<b>310</b>	<b>270</b>	<b>365</b>	<b>190</b>	<b>170</b>	<b>180</b>	<b>235</b>	<b>190</b>	<b>195</b>	<b>180</b>	<b>110</b>	<b>170</b>	<b>1,485</b>	<b>1,080</b>
<b>Germany</b>	175	160	240	100	95	85	130	80	70	70	40	105	<b>855</b>	<b>495</b>
<b>France</b>	60	50	75	65	45	65	75	85	75	80	45	45	<b>360</b>	<b>405</b>
<b>Belgium</b>	5	0	5	0	0	5	0	5	5	5	0	5	<b>15</b>	<b>20</b>
<b>Italy</b>	5	20	15	0	10	0	5	5	10	10	10	5	<b>50</b>	<b>45</b>
<b>Sweden</b>	25	5	15	5	10	10	15	5	25	5	10	5	<b>70</b>	<b>65</b>

Eurostat, last update 20/11/18

**Readmission and return:** As regards the implementation of the Readmission Agreement with the EU, the level of cooperation reported by EU Member States was good. The return rate has remained almost stable in 2017 with a return rate of about 72%, while it was of around 74% in 2015 and in 2016 for the Schengen+ area. Eurostat figures show that in 2017 also the yearly number of return decisions issued to nationals of Bosnia and Herzegovina decreased from on average around 5,000 in the period 2015-2016 to less than 4,000 in 2017 (the majority of the return decisions is issued by Germany, with around 1,000 decisions issued in 2017 and around 2,000 issued yearly in the period 2015-2016). The absolute number of returns also decreased from around 4,000 yearly in the period 2015-2016 to around 2,000 in 2017.

As a consequence of the irregular migration flows and emergence of new sub-routes in the Western Balkans, the readmission of third-country nationals (requested mainly by Croatia) – mainly Turkish, Syrian, Iranian and Afghani nationals – increased significantly in 2018.



	2015			2016			2017		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	<b>5,560</b>	<b>4,100</b>	<b>74%</b>	<b>5,075</b>	<b>3,760</b>	<b>74%</b>	<b>3,720</b>	<b>2,680</b>	<b>72%</b>
<b>Denmark</b>	35	55	157%	15	15	100%	15	25	167%
<b>Germany</b>	2,210	2,280	103%	2,105	2,235	106%	1,020	1,260	124%
<b>Spain</b>	65	10	15%	40	10	25%	10	10	100%
<b>Malta</b>	10	10	100%	5	5	100%	5	5	100%
<b>Austria</b>	355	N/A	N/A	435	155	36%	170	170	100%
<b>Croatia</b>	695	535	77%	645	485	75%	760	575	77%

Eurostat, last update 21/08/18

14 Implementation Protocols were concluded with 16 EU Member States: Estonia, Malta, Austria, Bulgaria, Hungary, the Czech Republic, Romania, the Benelux, Germany, France, Slovakia, Greece, Slovenia and Italy. Negotiations with Sweden are ongoing. Spain, Portugal, Lithuania and Latvia expressed their willingness to conclude an Implementing Protocol as well.

Bosnia and Herzegovina has successfully concluded the negotiations on an **EBCG Status Agreement**. The legal framework for border control, largely harmonised with the EU *acquis*, as well as the integrated border management strategy, is implemented smoothly.

There are concerns over the significant and relatively rapid increase in the number of irregular migrants entering the country. According to estimations by the Bosnia and Herzegovina authorities and UNHCR, more than 22,000 migrants entered the country between 1 January and 30 November 2018. The vast majority have claimed asylum with the main nationalities doing so being Pakistan, Syria, Iran, Iraq and Afghanistan. The numbers of irregular migrants crossing into Bosnia and Herzegovina has also increased the pressure in terms of irregular migration into the EU via the border with Croatia in order to reach Slovenia and the Schengen area.

Due to the newly emerged migration situation, the Council of Ministers of Bosnia and Herzegovina adopted on 15 May 2018 an Action Plan for Emergency Measures in management of increased migration flows in order to strengthen border police, to increase the capacity in the area of asylum and in the fight against smuggling migrants, to implement readmission agreements, and to strengthen the readmission capacity as well as the capacity of the Service for Foreigners Affairs and the Ministry of Security Immigration Sector in the fight against illegal migration. The borders with the eastern neighbours of Bosnia and Herzegovina are considered as an urgency area. The implementation of the Action Plan was affected by the insufficient coordination among the various levels of governance in Bosnia and Herzegovina. The European Commission has provided significant assistance to support the country in addressing the increased migratory influx.

## Public order and security

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

The number of alerts created by Member States in the Schengen Information System (SIS) based on Article 26 increased between the first and second half of 2017 by almost half (from 55 to 83). The number likewise further increased by half between the second half of 2017 and the first half of 2018 (from 83 to 132). This will require monitoring.

<i>Art. 26 SIS alerts</i>	2017 M01	2017 M02	2017 M03	2017 M04	2017 M05	2017 M06	Total 1 <sup>st</sup> half 2017
<b>Bosnia and Herzegovina</b>	6	8	13	0	11	17	<b>55</b>
	2017 M07	2017 M08	2017 M09	2017 M10	2017 M11	2017 M12	Total 2 <sup>nd</sup> half 2017
<b>Bosnia and Herzegovina</b>	11	11	19	18	17	7	<b>83</b>
	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06	Total 1 <sup>st</sup> half 2018
<b>Bosnia and Herzegovina</b>	16	25	22	25	10	34	<b>132</b>

A strategy was adopted on fighting organised crime and as well as an action plan on **anti-money laundering and on financing of terrorism**, in order to comply with the Financial Action Task Force (FATF) recommendations. However, financial investigations remained underused due to the fact that an overall policy for carrying out financial investigations on a systematic basis is still missing. The country remains on the EU list of high risk third countries, pending review of the country's anti-money laundering regime under the new Commission assessment methodology<sup>6</sup>.

A **counter-terrorism** taskforce was established in order to coordinate counter-terrorism efforts in the country. Amendments to the criminal code qualify terrorism and joining foreign paramilitary formations as criminal offences. The Additional Protocol to the Council of Europe Convention on the Prevention of Terrorism is currently in the process of ratification. In 2016 there were 11 cases of terrorism against 26 persons brought to court. In two of them the final verdicts were pronounced with 5 persons found guilty. The government supports and promotes activities of the academic community, the Islamic community and civil society aimed at prevention of radicalisation and violent extremism. Financial challenges exist for programmes aimed at prevention of violent extremism, in particular at local administrative level.

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6 SWD(2018) 362.

Bosnia and Herzegovina remains a country of origin, transit and destination for **trafficking in human beings** for labour exploitation, sexual exploitation, begging and forced marriages. The implementation of the 2016-2019 action plan on fighting trafficking in human beings is ongoing.

The number of potential victims of trafficking in human beings detected in 2017 was 55, compared to 47 potential victims detected in 2016. More than a half of the detected potential victims were minors, and almost three quarters of them were women. The capacity of prosecutors and law enforcement officers in this area need to be further improved. The identification of victims, their adequate protection and subsequent reintegration are also areas where further improvements are needed.

The legal framework for the protection of minorities is largely in place and in line with the Council of Europe Framework Convention for the Protection of National Minorities. However, not much progress was achieved to implement the existing laws due to lack of coordination between the state level and the entities.

The border police works closely with EBCGA and Interpol through active engagement in international police operations and other events. A working arrangement with the EBCGA is in place. Further improvements are needed on infrastructure and equipment at border crossing points. There are two joint centres for police cooperation with the neighbouring countries, i.e. the Joint Police Cooperation Centre in Trebinje and the Joint Contact Centre at the Bijaca/Nova Sela international border crossing.

To date, no progress has been made towards the establishment of **the National Contact Point** foreseen in the Operational Agreement already in place between Bosnia and Herzegovina and **Europol**. It is the indispensable mechanism to legally and timely exchange information. The authorities have been informed that a persisting failure to appoint the National Contact Point is a breach of the agreement and has an impact on the operational cooperation. Furthermore, the preparatory work in the context of the pilot project to deploy a Europol Liaison Officer to Bosnia and Herzegovina is being hampered by the lack of a National Contact Point. The absence also makes it impossible for the Bosnia and Herzegovina authorities to post a Liaison Officer at Europol headquarters in The Hague.

Negotiations for the conclusion of a Cooperation Agreement with Eurojust have not started yet. The National Contact Point for Eurojust is in place. The country has a working arrangement in place with CEPOL, the European Agency for Law Enforcement Training.

## II.1.4 MONTENEGRO

### Irregular migration, including readmission

**Detections of illegal border crossing:** As regards irregular migration challenges, according to EBCGA data, figures on detections of illegal border crossings of Montenegro nationals are low in absolute terms, with only one detection in the first half of 2018 (4 detections in both 2017 and 2016, compared to 15 in 2015).

<i>Detections of illegal border crossings</i>	
<b>2018 (1st half)</b>	1
<b>2017</b>	4
<b>2016</b>	4
<b>2015</b>	15

Source: FRAN and JORA data (as of 5/09/18)

**Refusal of entry at the external borders:** Between 2016 and 2017, the refusal of entry for nationals of Montenegro increased by around 63% (with 545 refusals in 2017 compared to 335 in 2016). Hungary and Croatia were the most affected countries.

<i>Refusals of entry for nationals of Montenegro</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>135</b>	<b>315</b>	<b>300</b>	<b>250</b>	<b>435</b>	<b>400</b>	<b>385</b>	<b>335</b>	<b>545</b>
<b>Hungary</b>	30	115	115	95	170	195	145	140	175
<b>Croatia</b>	N/A	N/A	N/A	N/A	90	45	90	65	150
<b>France</b>	0	10	0	5	5	15	10	35	80
<b>Slovenia</b>	45	110	85	75	70	60	60	40	60
<b>Belgium</b>	5	5	15	15	10	15	20	15	15

Eurostat, last update 24/08/18

**Illegal stay:** Although the numbers are relatively low, in 2017 the number of Montenegro nationals found to be illegally present (810 illegal stays) increased by around 42% compared to 2016 (570), when the number registered a diminution of around 26% compared to 2015 (770). Germany was the most affected countries in 2017.

<i>Illegal stay by nationals of Montenegro</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>310</b>	<b>375</b>	<b>390</b>	<b>500</b>	<b>610</b>	<b>810</b>	<b>770</b>	<b>570</b>	<b>810</b>
<b>Germany</b>	140	175	165	230	245	275	430	250	380
<b>Hungary</b>	10	20	25	45	40	105	75	85	175
<b>France</b>	70	70	80	85	140	200	120	95	80
<b>Slovenia</b>	10	30	35	5	5	5	5	40	50

Switzerland	0	0	0	25	35	25	40	35	30
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Eurostat, last update 22/08/18

**Asylum applications:** The number of asylum applications continued to decrease in 2017, with 970 applications submitted in 2017 compared to 1,845 in 2016, constituting a 47% decrease (between 2015 and 2016 the number fell by around 55%). The asylum recognition rate increased to 2.10% in 2017 (compared to 0.96% in 2016).

<i>Yearly total number of asylum applications by nationals of Montenegro</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
Schengen+ area	275	435	670	1,305	975	1,870	4,115	1,830	970
Germany	95	95	125	395	380	1,270	3,635	1,625	730
France	80	80	200	320	245	260	160	110	150
Sweden	40	40	110	75	125	95	125	10	45
Luxembourg	5	0	105	290	115	145	75	10	15
Italy	10	155	20	35	30	10	10	15	10

Eurostat, last update 24/10/18

As regards monthly asylum applications, in the first half of 2018 the number of asylum applications decreased by around 38% (330 asylum applications) compared to the same period in 2017 (530).

<i>Monthly asylum applications by nationals of Montenegro</i>	2017 M01	2017 M02	2017 M03	2017 M04	2017 M05	2017 M06	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06	2017 1st half	2018 1st half
Schengen+ area	120	75	80	105	85	65	85	75	70	40	25	35	530	330
Germany	105	50	50	75	80	45	65	45	40	25	15	20	405	210
France	10	15	20	20	5	20	20	25	20	15	10	10	90	100

Eurostat, last update 20/11/18

**Readmission and return:** As attested by EU Member States, Montenegro cooperates well on readmission and return, with a return rate higher than 100% in 2016 and 2017 (respectively 161% and 109%) and relatively low absolute numbers (around 1,500 return decisions in both 2015 and 2016 and only 750 in 2017, in parallel with a sharp decrease in the number of first asylum applications, from around 3,600 in 2015 to 1,500 in 2016 and slightly over 500 in 2017). Germany accounts for the bulk of the return decisions.

	2015			2016			2017		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
Schengen+ area	1,550	1,215	78%	1,490	2,400	161%	750	820	109%
Germany	945	825	87%	1,065	2,160	203%	410	655	160%

<b>Luxembourg</b>	80	135	169%	35	45	129%	30	35	117%
<b>Denmark</b>	5	10	200%	5	10	200%	5	5	100%
<b>Austria</b>	30	N/A	N/A	45	20	44%	25	25	100%
<b>Romania</b>	5	5	100%	0	0	N/A	5	5	100%

Eurostat, last update 21/08/18

So far, Montenegro signed Implementing Protocols with Slovenia, Malta, Austria, Bulgaria, the Czech Republic, Germany, Slovakia, the Benelux, Estonia, Italy and Hungary. Negotiations with Spain and Greece are in the process of finalisation. In March 2018, the Montenegrin authorities expressed interest in negotiating Implementing Protocols with France, Sweden, Denmark, Finland, Cyprus, Poland, Portugal, Romania, Lithuania and Latvia. To this end, a draft protocol was sent to the authorities of these Member States.

The readmission agreement with Turkey entered into force in December 2016. The readmission agreement with Azerbaijan entered into force in December 2017. In March 2018, the process of signing a readmission agreement and implementing protocol with the Russian Federation was reinitiated. Also, negotiations with Georgia and Ukraine are envisaged to ensure harmonisation of the readmission agreements with these countries.

Montenegro is negotiating readmission agreements with Iceland and China. Readmission agreements with all neighbouring countries are in place. However, in the course of 2018, Montenegro signalled issues with the implementation of the third country nationals clause of their bilateral Readmission Agreement with Albania.

While a working arrangement is in place with the EBCGA, negotiations on an **EBCG Status Agreement** were opened on 5 July 2018. The agreement is pending initialling and needs to be signed as a matter of priority.

The legal framework on legal and irregular migration has been aligned to the EU framework with the adoption in February 2018 of the new Law on Foreigners. It regulates the entry, exit, movement, stay, rights and work of foreigners in Montenegro, as well as returns, including voluntary returns and entry bans. Eight out of the 16 rulebooks necessary for the implementation of the Law have so far been adopted.

The Montenegrin Law on International and Temporary Protection of Foreigners entered into force on 1 January 2018, aligning the legislation in this area with the EU *acquis*. Five out of the six rulebooks necessary for the implementation of the Law were adopted. A Montenegrin language and culture course module for refugees is being prepared by the Ministry of Education. An information document for foreigners seeking international protection in Montenegro has been developed and translated into eight languages.

Since autumn 2017, Montenegro has been increasingly affected by migration along the so-called "coastal route" (Albania-Montenegro-Bosnia and Herzegovina). The country is in the process of increasing its reception capacities by creating a "transit centre" in Božaj, close to the Albanian border, to accommodate first-entry migrants and migrants willing to lodge an

asylum request in Montenegro. As an interim solution, the establishment of a container settlement in Božaj is planned (with the financial support of the EU).

Montenegro reported continued good **cross border cooperation** with all its neighbours. A set of nine local border traffic agreements with Serbia was signed in August 2018.

**Public order and security**

Regardless of incidental cases (such as the February 2018 attack on the US Embassy in Podgorica), Montenegro is not considered as a source country for radicalisation. The country remains a secondary transit point for the smuggling of migrants through the Balkan region, though there do not seem to be Montenegrin OCGs involved in this criminal activity. A source of concern remains the drug transit through Montenegro into the EU. Also, despite the success of several initiatives conducted by the Montenegrin authorities to reduce the prevalence of firearms in the country, they are still widely available in the country. Firearms are also trafficked to other countries in the region and beyond into the EU. Montenegro is an important transit country and a potential source of counterfeit and contraband cigarettes headed for the EU. As regards cybercrime, Montenegro is not considered to be a source country.

In 2017, Montenegro adopted a new national Serious and Organised Crime Threat Assessment (SOCTA), identifying nine priority areas for 2018-2019: terrorism and religious extremism, drug smuggling, irregular migration and human trafficking, serious criminal offences arising from conflicts between OCGs, loan sharking, high-level corruption, cybercrime, smuggling of excise goods and money laundering. Montenegro must sustain its efforts to tackle **drug trafficking**, as Montenegrin organised crime groups are active in the trafficking of cannabis and cocaine (with direct links to crime groups in South America) and operate to a large extent outside Montenegro, including in EU countries.

There is notable progress on police cooperation with EU member States. This was illustrated by recent high-profile operations that have led to the arrest of Montenegrin nationals, both in Montenegro and abroad, thanks to good cooperation with the police services in (among others) Italy, the UK, France and Greece. The progress in the fight against tobacco smuggling was illustrated by important seizures of illicit cigarettes in August and September 2018, the arrest of suspected smuggling rings' members and the prosecution of seven customs officials for corruption.

The number of alerts created by Member States in the Schengen Information System (SIS) based on Article 26 remained stable throughout 2017 and the first half of 2018. Overall the figures are low.

<i>Art. 26 SIS alerts</i>	<b>2017 M01</b>	<b>2017 M02</b>	<b>2017 M03</b>	<b>2017 M04</b>	<b>2017 M05</b>	<b>2017 M06</b>	<b>Total 1<sup>st</sup> half 2017</b>
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<b>Montenegro</b>	3	2	1	0	6	2	<b>14</b>
	<b>2017 M07</b>	<b>2017 M08</b>	<b>2017 M09</b>	<b>2017 M10</b>	<b>2017 M11</b>	<b>2017 M12</b>	<b>Total 2<sup>nd</sup> half 2017</b>
<b>Montenegro</b>	1	9	0	1	5	0	<b>16</b>
	<b>2018 M01</b>	<b>2018 M02</b>	<b>2018 M03</b>	<b>2018 M04</b>	<b>2018 M05</b>	<b>2018 M06</b>	<b>Total 1<sup>st</sup> half 2018</b>
<b>Montenegro</b>	0	6	0	1	0	2	<b>9</b>

Several investigations on high-profile criminal cases are on-going since 2017, in which money-laundering is prosecuted as a stand-alone crime. Considering its usage of the Euro as a currency and the insufficient supervision mechanism over suspicious transactions, Montenegro is an attractive country for international money laundering schemes. An increasing number of **financial investigations** are being launched for the purpose of seizure and confiscations. In July 2018, Montenegro adopted amendments to the Law on Money Laundering and Terrorism Financing, as well as the Law on International Restrictive Measures. The country remained under Step 2 of the Moneyval's Compliance Enhancing Procedures in 2018. At the 57th Plenary meeting on 4-7 December 2018, Montenegro reported back on the outstanding deficiencies..

The adoption of the Law on Internal Affairs is again delayed, due to the need to harmonise it with the new Law on Public Administration. The Law on Internal Affairs is supposed to introduce structural changes in the internal organisation of the police, in particular by promoting merit-based recruitment, evaluation and promotion. In the meantime, the capacity to fight against organised crime was nevertheless further strengthened. The Special Police Unit has now 30 positions filled, which is 50% more than originally planned. The number of staff of the Special Prosecutor's Office has increased to 34 civil servants (including 12 Special Prosecutors) while 3 vacant positions are still to be filled. Further efforts are needed to develop the country's track record in cases of organised crime, in particular as regards **trafficking in human beings** where results are limited. Pro-active investigations remain rare and most investigations in cases of organised crime still start on the basis of signals received.

Montenegro adopted on 22 November 2018 a three-year investor citizenship scheme. As from 1 January 2019, foreign investors will be able to acquire Montenegrin citizenship for maximum of 560 000€, including a 450 000€ investment project in Podgorica or in the coastal area (or alternatively only 250 000€ if the investment is made in the country's northern or central less developed regions). The investor citizenship scheme needs to be closely monitored if used by investors from visa-required countries to bypass the regular Schengen visa procedures, possibly posing a migratory and security risk.

The Cooperation Agreement with Eurojust is in force and Montenegro has a Liaison Prosecutor at Eurojust.



## II.1.5 SERBIA

### Irregular migration, including readmission

**Detections of illegal border crossing:** As regards irregular migration challenges, according to EBCGA data, the number of detections of illegal border crossings of Serbian nationals decreased between 2015 and 2018 (first half). The figures have overall been low in absolute terms.

<i>Detections of illegal border crossing by nationals of Serbia</i>	
<b>2018 (1st half)</b>	44
<b>2017</b>	84
<b>2016</b>	107
<b>2015</b>	200

Source: FRAN and JORA data (as of 5/09/18)

**Refusal of entry at the external borders:** The number of Serbian nationals which were refused entry in 2017 was 8,070, compared to 7,910 refusals in 2016. Hungary is the most-affected country with a total of 5,275 cases reported in 2017.

<i>Refusals of entry for nationals of Serbia</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>3,580</b>	<b>6,500</b>	<b>6,620</b>	<b>5,590</b>	<b>9,170</b>	<b>9,520</b>	<b>7,850</b>	<b>7,910</b>	<b>8,070</b>
<b>Hungary</b>	1,730	2,920	3,580	3,325	5,445	6,530	4,805	4,710	5,275
<b>Slovenia</b>	825	1,575	1,245	1,050	865	700	700	605	680
<b>France</b>	55	45	45	55	65	110	175	265	465
<b>Romania</b>	260	455	450	245	715	600	575	510	350
<b>Greece</b>	90	315	200	195	160	125	125	145	175

Eurostat, last update 24/08/18

**Illegal stay:** In 2017 the number of Serbian nationals found to be illegally present increased by 31%, with 14,665 illegal stays in 2017 compared to 11,180 in 2016, when the number registered a diminution of around 19% compared to 2015. Germany and Hungary were generally the most affected countries, also in 2017 followed by Austria.

<i>Illegal stay by nationals of Serbia</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>9,555</b>	<b>12,585</b>	<b>9,850</b>	<b>11,765</b>	<b>11,820</b>	<b>15,400</b>	<b>13,785</b>	<b>11,180</b>	<b>14,665</b>
<b>Germany</b>	2,590	2,920	3,375	4,350	4,980	7,295	7,650	4,710	5,725
<b>Hungary</b>	1,720	1,045	1,585	2,425	2,275	3,350	2,580	2,455	4,570

<b>Austria</b>	1,280	855	940	1,015	1,090	815	460	660	855
<b>Slovenia</b>	125	355	610	115	90	110	110	440	675
<b>Switzerland</b>	0	0	0	745	715	665	810	850	675

Eurostat, last update 22/08/18

**Asylum applications:** The number of asylum applications by Serbian nationals continued to decrease also in 2017, with 8,325 applications submitted in 2017 compared to 13,515 in 2016, a decrease of around 38% (between 2015 and 2016 the number fell by 55%). Germany was the Member State with the highest number of applications lodged, followed by France. The asylum recognition rate increased to 3.23% in 2017 (compared to 1.57% in 2016).

<i>Yearly total number of asylum applications by nationals of Serbia</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>6,435</b>	<b>18,845</b>	<b>15,630</b>	<b>21,065</b>	<b>22,725</b>	<b>31,170</b>	<b>30,325</b>	<b>13,515</b>	<b>8,325</b>
<b>Germany</b>	890	6,795	6,990	12,810	18,000	27,145	26,945	10,260	4,915
<b>France</b>	980	800	665	840	700	605	460	655	1,730
<b>Sweden</b>	585	6,255	2,645	2,670	1,670	1,510	1,055	460	310
<b>Belgium</b>	1,020	2,220	1,995	1,095	685	500	375	205	230
<b>Netherlands</b>	55	65	105	145	265	195	445	945	210

Eurostat, last update 24/10/18

As regards monthly asylum applications, in the first half of 2018 the number of asylum applications decreased by more than 20% (3,460 asylum applications) compared to the same period in 2017 (4,375). In this period, France is the Member State receiving the majority of asylum applications, replacing Germany which was the top country in the first half of 2017.

<i>Monthly asylum applications by nationals of Serbia</i>	2017 M01	2017 M02	2017 M03	2017 M04	2017 M05	2017 M06	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06	2017 1st half	2018 1st half
<b>Schengen+ area</b>	<b>860</b>	<b>730</b>	<b>940</b>	<b>720</b>	<b>580</b>	<b>545</b>	<b>895</b>	<b>620</b>	<b>660</b>	<b>575</b>	<b>355</b>	<b>355</b>	<b>4,375</b>	<b>3,460</b>
<b>France</b>	100	70	130	130	100	100	305	325	305	250	130	130	<b>630</b>	<b>1,445</b>
<b>Germany</b>	595	480	635	415	335	300	440	195	250	235	155	140	<b>2,760</b>	<b>1,415</b>
<b>Belgium</b>	15	5	20	30	25	25	25	20	15	20	15	10	<b>120</b>	<b>105</b>
<b>Italy</b>	15	10	35	20	15	10	15	5	10	10	10	10	<b>105</b>	<b>60</b>
<b>Switzerland</b>	10	15	25	20	20	5	5	10	10	5	5	20	<b>95</b>	<b>55</b>

Eurostat, last update 20/11/18

**Readmission and return:** Serbia's cooperation on the readmission of own nationals remains satisfactory, with a return rate that increased to above 100%. This shows that Serbian

nationals ordered to leave the EU are effectively returned from the EU Member States to Serbia.

	2015			2016			2017		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	<b>13,835</b>	<b>12,800</b>	<b>93%</b>	<b>13,320</b>	<b>12,845</b>	<b>96%</b>	<b>7,810</b>	<b>7,920</b>	<b>101%</b>
<b>Germany</b>	8,300	10,230	123%	7,560	9,910	131%	3,505	5,295	151%
<b>Finland</b>	45	40	89%	50	55	110%	20	25	125%
<b>Austria</b>	1,195	N/A	N/A	1,715	685	40%	845	985	117%
<b>Bulgaria</b>	5	5	100%	5	5	100%	10	10	100%
<b>Cyprus</b>	5	5	100%	15	15	100%	5	5	100%
<b>Malta</b>	130	125	96%	110	110	100%	140	140	100%

Eurostat, last update 21/08/18

On the other hand, the lack of **implementation of the third country national provision** of the EU-Serbia Readmission Agreement remains an issue, especially for applications launched by Romania and to a minor extent Bulgaria. Indeed, more than 75% of the 416 readmission applications sent by Romania containing prima facie evidence in line with the Readmission Agreement of direct border crossing from or transit through Serbia have been rejected by Serbia between January and August 2018 with no clear ground (compared to 94% for the whole of 2017).

Requesting State	Third country nationals											
	Readmission applications submitted		Positive replies		Negative replies		Refusal rate		No reply		TCN readmitted under accelerated procedure	
	2017	Jan-Aug 2018	2017	Jan-Aug 2018	2017	Jan-Aug 2018	2017	Jan-Aug 2018	2017	Jan-Aug 2018	2017	Jan-Aug 2018
Bulgaria		12		10		2		16,7%			1	2
Hungary	126	65	96	64	26	1	20,6%	1,5%	4	0	125	62
Poland	0	3	0	0	0	3		100,0%	0	0	0	0
Romania	1522	416	204	104	1318	312	86,6%	75,0%	0	0	4	0
Sweden SMA	5	1	5	1	0	0	0,0%	0,0%	0	0	0	0
<b>Total</b>	<b>1648</b>	<b>496</b>	<b>300</b>	<b>178</b>	<b>1344</b>	<b>318</b>	<b>81,6%</b>	<b>64,1%</b>	<b>4</b>	<b>0</b>	<b>130</b>	<b>64</b>

So far, 19 Implementing Protocols have been signed with 21 EU Member States: Italy, Slovenia, France, Hungary, the United Kingdom, Austria, Malta, Slovakia, Germany, Romania, Bulgaria, Estonia, Czech Republic, the Benelux, Cyprus, Greece, Latvia, Portugal and Sweden.

Bilateral readmission agreements have been signed with Bosnia and Herzegovina, Denmark, Canada, Norway, Croatia, Switzerland, the former Yugoslav Republic of Macedonia, Moldova, Montenegro and Russia. Negotiations with Ukraine and Turkey are being finalised. Negotiations have been proposed to Algeria, Morocco, Afghanistan, Iraq, Pakistan and the United Arab Emirates, but yielded no interest so far.

An **EBCG Status Agreement** has been initialled by Serbia and the Commission on 20 September 2018. The agreement must now be signed and Serbia should complete rapidly its internal procedure for the entry into force of this agreement. A working arrangement with EBCGA is also in place.

A point of concern indicated in the First Suspension Mechanism report was Serbia's decision to grant **visa free regime to countries posing a migratory and security risk** to EU Member States, which resulted in a significant number of Iranian nationals abusing the visa-free travel to Serbia with an intention to move on to EU countries using fraudulently obtained and falsified documents when exiting Serbia. This issue was amplified by the establishment of a direct flight connection between Belgrade and Teheran.

Serbia reported higher levels of false documents being encountered in the territory in 2018 compared to 2017, with Iranians being the main nationality encountered using them. They use either the route to Bosnia and Herzegovina or try to enter the EU via Romania directly. Alternatively, they move to Greece via the former Yugoslav Republic of Macedonia, mostly to seek support by the local Iranian diaspora and opportunities of onward travels based on falsified documents. Serbia has taken several measures to counteract the migratory and security risks of the Iranian nationals, however in the framework of one year, clear results still need to be seen. Entry denials at Nicola Tesla Airport (Belgrade) have increased, primarily involving Iranian, Indian and Tunisian nationals.

Available statistics show that from 2 September 2017 to 7 October 2018, 45,201 Iranians were detected on entry, 33,154 were detected on exit and 11,453 have remained in the region. In 1,710 cases the intention to apply for international protection was declared and 8,466 Iranian nationals were denied entry to Serbia. In the EU, 15,245 Iranian nationals applied for asylum between September 2017 and July 2018, as compared to 20,665 between September 2016 and July 2017.

Most attempts by Iranian nationals to enter illegally the EU were recorded while travelling by air from Belgrade, using forged or fraudulently obtained document. According to Europol, OCGs comprised of Iranian nationals are increasingly important in the trafficking of heroin along the Western Balkans route as well as the Southern Caucasus route.

The Law on Foreigners was adopted in March 2018 and entered into force in October. Implementing legislation is being prepared. The multi-annual Strategy for Combatting Irregular Migration was prepared by an inter-institutional working group. It is yet to be adopted by the Government. The current draft aims at covering gaps in the strategic framework and at complementing, inter alia, the Integrated Border Management Strategy. In addition, it is expected to further improve inter-institutional coordination and monitoring of government activities in the area of migration. The coordination among all institutions involved, in particular at a strategic policy level in order to improve migration management in a systematic manner, as well as donor coordination still needs to be further strengthened. In 2016, Serbia established a permanent task force against people smuggling in response to the threat from organised migrant smuggling through its territory. The task force constitutes a

positive and concrete response to the irregular migration threats in the country. It is headed by the State Prosecutor and includes stakeholders from Serbian law enforcement with a responsibility for facilitating anti-migrant smuggling prosecutions.

In the area of asylum, the Law on Asylum was adopted in March 2018 with a view to align with EU *acquis*. Its implementation started in June. It has to be ensured that the asylum applications' appeal system (second instance) is applied in line with the EU *acquis*. Bylaws were adopted in relation to asylum application forms, documents issued to asylum seekers and persons granted asylum or international protection as well as to the method and procedure for registration of foreigners, who expressed intention to apply for asylum. A rulebook on travel documents is being prepared. Recruitments for the Asylum Office have almost been completed. Resources were allocated to the Commissariat for Refugees and Migration in the 2018 Budget Law to provide support and facilitate access to various rights for persons who have been granted international protection. The Commissariat continued to allocate funds to civil society organisations for carrying out awareness-raising activities in host communities as well as for the reintegration of returnees based on readmission agreements.

As regards border management, the revised integrated border management strategy and its dedicated action plan were adopted by the Serbian authorities in the first half of 2017. The procedure for drafting a Schengen Action Plan is still in the early stages. The related necessary comprehensive assessment of the legal, technical, infrastructural and human requirements is delayed. Serbia has established joint contact centres and mixed patrols with the countries bordering the country: Hungary, Montenegro, Bosnia and Herzegovina, Romania, the former Yugoslav Republic of Macedonia and Bulgaria. Serbia has also established a joint contact centre with Croatia aiming at the establishment of joint patrols. Information campaigns directed at raising the level of awareness on rights and obligations of the visa-free regime for Serbian nationals are continuously being implemented.

### **Public order and security**

As regards organised crime, according to Europol, nationals of Serbia (along with those of Albania and Bosnia and Herzegovina) are among the most frequently reported nationalities for organised property crimes in the EU. Serbian OCGs carry out burglaries, thefts and robberies across the EU. Nationals of Serbia are also one of the most frequently encountered victims of **trafficking in human beings** originated from the Western Balkans region. Serbia further enhanced its already good cooperation with Europol, increasing the number of Analysis Work Files it cooperates on, now including *inter alia* also the APs *Smoke and EnviCrime*. An operational agreement with Europol is in place and a Serbian Police Liaison Officer is posted at Europol since March 2017. An EBCGA regional liaison officer has been sent to Belgrade in September 2017. The working arrangement between the Serbian Ministry of Interior and the European Agency for Law Enforcement Training (CEPOL) was ratified in March 2018 and entered into force in April 2018. It provides for a solid basis for mutual support in training activities for law enforcement officials and for the exchange of best

practices in cooperation mechanisms, and should thus help enhancing the effectiveness of fighting cross-border crime in particular.

The number of alerts created by Member States in the Schengen Information System (SIS) based on Article 26 slightly increased between the first half of 2017 and second half of 2017 (from 175 to 2213) and slightly increased further on in the first half of 2018 (from 213 to 243). This will require monitoring.

<i>Art. 26 SIS alerts</i>	2017 M01	2017 M02	2017 M03	2017 M04	2017 M05	2017 M06	Total 1 <sup>st</sup> half 2017
<b>Serbia</b>	12	36	38	31	21	37	<b>175</b>
	2017 M07	2017 M08	2017 M09	2017 M10	2017 M11	2017 M12	Total 2 <sup>nd</sup> half 2017
<b>Serbia</b>	24	46	48	43	38	14	<b>213</b>
	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06	Total 1 <sup>st</sup> half 2018
<b>Serbia</b>	53	30	48	20	35	57	<b>243</b>

In order to step up the fight against organised crime, the Law on Organisation and Jurisdiction of Government Authorities in Suppression of Organised Crime, Terrorism and Corruption entered into force in March 2018. It provides for a better framework for investigating, prosecuting and adjudicating cases in the mentioned fields. There is a delay in adopting the new **Financial Investigation Strategy** after the previous one expired in 2016, but its content is also reflected in the aforementioned legislation. In August 2017, a new 2017-2022 Strategy for the Prevention and Suppression of Human Trafficking was adopted, together with the accompanying action plan. On the basis of this strategy, Serbia has started to take steps towards a pro-active identification and due protection of human trafficking victims. Further efforts need to be taken in order to develop a sustainable track record of final convictions and dismantling networks involved in organised crime, money laundering, people smuggling and trafficking in human beings.

## II.2 EASTERN PARTNERSHIP

### II.2.1 REPUBLIC OF MOLDOVA<sup>7</sup>

#### Irregular migration, including readmission

**Detections of illegal border crossing:** As regards irregular migration challenges, according to data provided by the European Border and Coast Guard Agency, the number of detections

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<sup>7</sup> Hereinafter referred to as Moldova.

of illegal border crossings has been decreasing since 2015. In the first half of 2018 there were 11 illegal border crossings, compared to 38 detections of illegal border crossing in 2017, 25 in 2016 and 60 in 2015.

<i>Detections of illegal border crossings</i>	
<b>2018 (1st half)</b>	11
<b>2017</b>	38
<b>2016</b>	25
<b>2015</b>	60

Source: FRAN and JORA data (as of 5/09/18)

**Refusal of entry at the external borders:** The number of Moldovan nationals being refused entry at the external Schengen borders increased from 2,725 (in 2015) to 4,660 (in 2016) and furtheron to 7,270 (in 2017). This constitutes an increase between 2016 and 2017 of 56%. In 2017, the main countries issuing a refusal of entry were Poland, Romania, Hungary, Italy and France. Poland and France registered a considerable increase since the visa liberalisation in 2014.

<i>Refusals of entry for nationals of Moldova</i>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Schengen+ area</b>	<b>2,145</b>	<b>2,050</b>	<b>2,320</b>	<b>1,540</b>	<b>1,150</b>	<b>1,845</b>	<b>2,725</b>	<b>4,660</b>	<b>7,270</b>
<b>Poland</b>	125	85	130	110	100	115	165	740	2,465
<b>Romania</b>	1,405	1,445	1,200	875	655	640	725	1,410	1,310
<b>Hungary</b>	290	285	790	280	160	460	605	835	1,180
<b>Italy</b>	45	40	40	40	30	225	510	790	700
<b>France</b>	45	15	10	15	5	30	70	185	485

Eurostat, last update 24/08/18

**Illegal stay:** In 2017 the number of Moldovan nationals found to be illegally present increased by almost 15% (8,785 illegal stays compared to 7,660 in 2016). Hungary and Germany were the most affected countries in 2017.

<i>Illegal stay by nationals of Moldova</i>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Schengen+ area</b>	<b>5,150</b>	<b>4,335</b>	<b>3,535</b>	<b>3,390</b>	<b>2,505</b>	<b>2,245</b>	<b>4,050</b>	<b>7,660</b>	<b>8,785</b>
<b>Hungary</b>	360	370	385	310	305	425	2,040	3,015	2,735

<b>Germany</b>	325	275	325	265	260	205	285	2,050	2,235
<b>Poland</b>	95	70	60	75	50	80	160	870	1,280
<b>France</b>	220	205	260	865	435	575	435	410	605
<b>Romania</b>	970	950	810	350	340	225	175	360	360

Eurostat, last update 22/08/18

**Asylum applications:** At the start of the visa-free regime for Moldova, there was a sharp increase in asylum applications by Moldovan nationals in the Schengen countries: from 475 (in 2014) over 1,850 (in 2015) to 3,675 (in 2016). After an important decrease by more than 50% in 2017 (1,620 applications), monthly data for the first half of 2018 already indicate a total of 1,665 applications, which is more than the total of the previous year and is likely to reach the levels of 2016 by the end of 2018. These numbers can be mainly attributed to Germany, where the number of asylum applications rose from 270 (in 2014) over 1,565 (in 2015), 3,405 (in 2016), 1,060 (in 2017) to 1,135 (first half of 2018). The asylum recognition rate was 1.48% in 2016 and 1.35% in 2017. The asylum recognition rate slightly decreased to 1.35% in 2017 (compared to 1.48% in 2016).

<i>Yearly total number of asylum application by nationals of Moldova</i>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Schengen+ area</b>	<b>475</b>	<b>1,850</b>	<b>3,675</b>	<b>1,610</b>
<b>Germany</b>	270	1,565	3,405	1,060
<b>Greece</b>	10	35	45	40
<b>Italy</b>	20	35	35	45
<b>France</b>	30	30	35	15
<b>The Netherlands</b>	5	10	15	340

Eurostat, last update 24/10/18

<i>Monthly asylum applications by nationals of Moldova</i>	<b>2017 M01</b>	<b>2017 M02</b>	<b>2017 M03</b>	<b>2017 M04</b>	<b>2017 M05</b>	<b>2017 M06</b>	<b>2018 M01</b>	<b>2018 M02</b>	<b>2018 M03</b>	<b>2018 M04</b>	<b>2018 M05</b>	<b>2018 M06</b>	<b>2017 1st half</b>	<b>2018 1st half</b>
<b>Schengen+ area</b>	<b>265</b>	<b>130</b>	<b>85</b>	<b>50</b>	<b>85</b>	<b>115</b>	<b>235</b>	<b>275</b>	<b>280</b>	<b>220</b>	<b>280</b>	<b>375</b>	<b>730</b>	<b>1,665</b>
<b>Germany</b>	245	115	50	40	35	30	155	220	200	130	150	280	<b>515</b>	<b>1,135</b>
<b>Greece</b>	0	0	5	5	5	5	5	5	5	0	5	0	<b>20</b>	<b>20</b>
<b>Italy</b>	10	5	10	0	5	5	0	5	5	5	5	5	<b>35</b>	<b>25</b>
<b>France</b>	0	5	5	0	0	0	5	5	5	10	35	25	<b>10</b>	<b>85</b>
<b>The Netherlands</b>	5	5	15	0	35	65	65	30	65	70	75	40	<b>125</b>	<b>345</b>

Eurostat, last update 20/11/18.



**Readmission and return:** While the number of return decisions issued to Moldovan nationals had almost tripled between 2015 and 2016 (from 1,860 to 5,015), figures for 2017 show a slight decrease again (4,600). This has been accompanied by a significant increase of the return rate in 2017 (83%), compared to 48% in the previous year. The quality of the cooperation on readmission and return with Moldova is considered as generally positive, as attested during the last meeting of the Joint Readmission Committee on 6 September 2018. Moldova has recently implemented an accelerated procedure for readmission requests with Germany (the Member State where most readmission applications originate from), which reduces the time for handling requests and allows return to take place on the basis of the EU travel document. This increase in cooperation is reflected in a declining refusal rate for readmission applications from 23% in 2016 to only 8% in 2017.

	2015			2016			2017		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	<b>1,860</b>	<b>1,215</b>	<b>65%</b>	<b>5,015</b>	<b>2,415</b>	<b>48%</b>	<b>4,600</b>	<b>3,835</b>	<b>83%</b>
<b>Finland</b>	20	50	250%	20	25	125%	10	25	250%
<b>Denmark</b>	5	15	300%	10	10	100%	10	15	150%
<b>Germany</b>	80	25	31%	2,435	590	24%	825	1,140	138%
<b>France</b>	295	380	129%	355	335	94%	440	530	120%
<b>Bulgaria</b>	0	0		5	0	0%	5	5	100%
<b>Malta</b>	5	5	100%	5	5	100%	10	10	100%
<b>Slovakia</b>	15	15	100%	25	20	80%	30	30	100%
<b>Poland</b>	150	135	90%	820	825	101%	1,260	1,235	98%

Eurostat, last update 21/08/18

According to statistics provided by the Moldovan authorities, more over 1,500,000 Moldovan citizens<sup>8</sup> have made more than 4,700,000 trips to the EU Member States (Ireland and United Kingdom excluded)<sup>9</sup> under the visa-free regime between 28 April 2014 (the date of visa liberalisation) and 30 June 2018.

Moldova has recently signed a cooperation plan for the period 2018-2020 with EBCGA, to facilitate the exchange of information on migratory flows, improve the use of relevant data to combat cross border crime and support technical assistance to the Moldovan authorities. Moldovan observers can be included in Joint Operations.

Moldova has organised targeted information campaigns in 2018 to clarify the rights and obligations entailed in visa-free travel, such as the revised edition of the 'Guide on free movement in the European space', launched on the occasion of the 4<sup>th</sup> anniversary of the visa

8 The number of Moldovan citizens, holders of biometric passports, which exit from Moldova towards the EU via border crossing points at the Moldovan-Romanian border and via Chisinau international airport.

9 The number of exits by Moldovan citizens, holders of biometric passports, from Moldova towards the EU via border crossing points at the Moldovan-Romanian border and via Chisinau international airport.

free regime and distributed in different events and to diaspora. Moldovan authorities also organised 88 information events addressed to vulnerable categories likely to emigrate to the EU countries, informing about the conditions of legal migration and legal stay in the Schengen area as well as the risk of overstaying and the penalties linked to it.

In November 2018 thematic discussions took place between the Embassy of the MD to Germany and the Ministry of Internal Affairs of Germany. As a follow-up to those discussion new bilateral MD - German consultations are being planned to take place in December 2018 in the MD. The aim of consultations is to approach the practical additional measures that could be taken in order to deal with the increase of number of MD asylum seekers.

**Public order and security**

According to Europol, Moldovan **organised crime groups** continued to represent a substantial crime threat during the reporting period. They are particularly active in Austria, France, Germany, Latvia and Poland, and are primarily involved in drugs trafficking (with the trafficking of heroin being a significant concern), organised property crime (burglaries and thefts, organised robberies and motor vehicle crime), excise fraud, payment card fraud and money laundering. These crime groups tend to link up with other groups from primarily Romania, Ukraine and Bulgaria, while Russian-speaking organised crime groups exploit Moldova as a transit country to launder money and transfer it into the EU. There is an increasing number of cybercrime services run from Moldova such as money mule networks, inject writers, coders, crypters and phone flooding services, as well as a continued focus on attacks against ATMs, such as blackbox attacks. Illicit tobacco trade remains a primary driver of crime and corruption. While Moldova is not a major course country for irregular migrants, it remains a source for trafficking in human beings for sexual and labour exploitation. In this regard, the National Strategy for Preventing and Combating Trafficking in Human Beings for the period 2018-2023 was adopted, together with the action plan 2018-2020. As part of the creation of a specialized structure to fight organised crime, Moldova approved in 2017 the Regulation of the Prosecutor's Office for Combating Organised Crime and Special Causes (POCOCSC) and specialised offices were created within the Sections of the POCOCSC along with the staff assignment. The country has a working arrangement in place with CEPOL, the European Agency for Law Enforcement Training.

The number of alerts created by Member States in the Schengen Information System (SIS) based on Article 26 increased slightly between the first and second half of 2017 (from 35 to 42) and increased furtheron between the second half of 2017 and first half of 2018 (from 42 to 64). This will require monitoring.

<i>Art. 26 SIS alerts</i>	2017 M01	2017 M02	2017 M03	2017 M04	2017 M05	2017 M06	Total 1 <sup>st</sup> half 2017
<b>Moldova</b>	7	6	8	2	7	5	<b>35</b>

	2017 M07	2017 M08	2017 M09	2017 M10	2017 M11	2017 M12	Total 2 <sup>nd</sup> half 2017
<b>Moldova</b>	8	0	3	18	5	8	<b>42</b>
	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06	Total 1 <sup>st</sup> half 2018
<b>Moldova</b>	18	2	5	9	14	16	<b>64</b>

The main terrorist-related risk factors are the use of Moldova as a transit zone to and from Middle Eastern conflict zones, together with radicalisation and the involvement of Moldovan nationals in mercenary activities in Eastern Ukraine. In addition, the potential diversion of firearms from Moldova (and Ukraine) that could increase the availability of lethal weapons for terrorist attacks remains a significant concern.

While Moldova has been working on adopting and implementing legislation to create a framework for the **fight against corruption**, it is at times endangered by backtracking on previous commitments such as through the fiscal reform package adopted in July 2018. To be noted that the massive bank fraud (USD 1 billion) of 2014 remains today not effectively prosecuted.

The institutional framework to fight corruption and money laundering in Moldova consists of the Anti-Corruption Prosecutor's office (APO) (accountable to the Prosecutor General and the Superior Council of Prosecutors); the National Anti-Corruption Centre (NAC), together with its subordinate Criminal Assets Recovery Agency (CARA)<sup>10</sup> and the Office for Prevention and Fight Against Money Laundering (OPFML)<sup>11</sup>, which has been transformed into a separate body in the reporting period; and the National Integrity Authority (NIA)<sup>12</sup>.

The **National Integrity and Anti-Corruption Strategy (NIAS)** for the period 2017-2020 comprises activities to ensure integrity and to fight corruption in the private and public sectors. According to the 2017 Monitoring and Evaluation Report of the NIAS, 98 actions were implemented in 2017, of which 29 were fully implemented, 62 partially and 7 were not realised. The Government has adopted 7 (out of 19) sectoral anticorruption action plans for the years 2018-2020. Approval is still ongoing for action plans on environmental protection and agri-food. Local anticorruption plans are under approval, although about 89% of territorial units of level II have already informed the central authorities about their adoption.

Since the finalisation of the visa liberalisation process, the NAC was made accountable to the Parliament again (as it was prior to 2013 when it was made accountable to the Government). There remain however concerns as regards political influence on the anti-corruption system in Moldova. Over the past months, there have been attempts to undermine the anti-corruption framework by proposals such as the fiscal reform package, which was not subject to public consultation and did not receive the opinion of the NAC as it was not requested. A weakened

10 The Criminal Assets Recovery Agency (CARA) is the Moldovan asset recovery office (ARO).

11 The Office for Prevention and Fight Against Money Laundering (OPFML) is the Moldovan financial intelligence unit (FIU). OPFML is the English abbreviation; locally the abbreviation SPCSB is used.

12 NIA is the English abbreviation; locally the abbreviation ANI is used.

anti-corruption framework and less investigative powers would further endanger the effectiveness of the investigations concerning the frauds around Banca de Economii, Banca Sociala and Unibank.

To prevent corruption in the public sector, the NAC develops the institutional integrity assessment consisting of institutional integrity assessment and the professional integrity testing of public officials, which started to apply in May 2018. At the moment, it is premature to discuss the effects of integrity tests applied on the basis of the new concept for public agents. The effect will only be noticeable after the evaluated public entities submitted their institutional evaluation reports.

The Criminal Assets Recovery Agency (CARA) was set up in 2017 under the umbrella of the NAC. Initially only dealing with corruption and money laundering offences, its scope has been broadened in 2018 to include 25 additional types of crime (including organised crime, trafficking in human beings or drugs trafficking). Budget and staff were also increased (from 8 to 18 persons, based on the conclusions of the EU-Council of Europe Project CLEP – Controlling Corruption through Law Enforcement and Prevention).

Delays and shortcomings in the selection of senior management and consequent appointment of inspectors were experienced in the National Integrity Authority (NIA) throughout 2017, hampering its effectivity. The new structure and budget were approved in 2018, including an increase of staff to 50 people (of which 46 integrity inspectors), whose conditions for recruitment have been clarified. The immediate appointment of inspectors is still crucial to ensure the verification of declarations on assets, personal interests and conflicts of interests.

In August 2018 a law on **whistleblowers** was also published in order to establish procedures for employees or other individuals who could report information of public interest at the workplace, both in the public and private sectors. The NAC and the Ombudsman have also started a specific project with the objective to strengthen and promote the mechanism of protecting whistleblowers' fundamental rights.

A new law aims to align the Moldovan legislation to the 4<sup>th</sup> EU **Anti-Money Laundering** Directive was adopted on 22 December 2017 and entered into force on 23 February 2018. This new law foresees the establishment of centralised bank registries and the implementation of the 40 recommendations of the Financial Action Task Force (FATF).

Whereas efforts have indeed been made to strengthen the anti-corruption and anti-money laundering structures, the adoption of the package of laws on fiscal reform on 26 July 2018, with consulting the NAC, have recently raised concerns at national and international level. The legal initiatives in the package include earlier cancelled measures such as a capital and fiscal amnesty (which had been withdrawn from the legislative agenda following criticism from the EU and other international partners) and a 'business package', which re-introduces the decriminalisation of several economic crimes.

In November 2018 Moldova launched an investor citizenship scheme, which needs to be closely monitored if used by investors from visa-required countries to bypass the regular Schengen visa procedures, posing a migratory and security risk.

## II.2.2 GEORGIA

### Integrated border management, migration management and asylum

**Detections of illegal border crossing:** As regards irregular migration challenges, according to EBCGA data, the number of detections of illegal border crossings of Georgian nationals, although very low, showed a decreasing trend in the period between 2015 and (the first half of) 2018.

<i>Detections of illegal border crossing by nationals of Georgia</i>	
<b>2018 (1st half)</b>	63
<b>2017</b>	85
<b>2016</b>	119
<b>2015</b>	239

Source: FRAN and JORA data (as of 5/09/18)

**Refusal of entry at the external borders:** Between 2016 and 2017 refusals of entry considerable increased by around 200%, with 2,655 refusals recorded in 2017 compared to 810 in 2016. To be noticed that in 2016 there was a decrease of around 40% in comparison with 2015. Greece is the most affected country, followed by Poland which was the top country in 2016.

<i>Refusal of entry for nationals of Georgia</i>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Schengen+ area</b>	<b>6,050</b>	<b>3,315</b>	<b>2,820</b>	<b>8,965</b>	<b>8,160</b>	<b>3,185</b>	<b>1,330</b>	<b>810</b>	<b>2,655</b>
<b>Greece</b>	125	75	75	95	160	210	135	130	885
<b>Poland</b>	5,685	2,885	2,340	8,245	7,250	1,345	505	200	335
<b>France</b>	25	15	30	20	30	5	25	105	235
<b>Italy</b>	10	15	20	35	60	70	30	30	225
<b>Lithuania</b>	75	145	115	115	110	145	65	40	180

Eurostat, last update 24/08/18

**Illegal stay:** In 2017 the number of Georgian nationals found to be illegally present slightly increased (by 11%), with 5,860 illegal stays compared to 5,240 in 2016. The highest number of Georgian nationals found to be illegally present in 2017 was registered in Germany.

<i>Illegal stay by</i>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
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<i>nationals of Georgia</i>									
<b>Schengen+ area</b>	<b>6,855</b>	<b>5,130</b>	<b>4,380</b>	<b>5,490</b>	<b>5,165</b>	<b>6,550</b>	<b>5,405</b>	<b>5,240</b>	<b>5,860</b>
<b>Germany</b>	605	710	585	1,085	1,380	1,580	1,495	1,810	2,030
<b>France</b>	410	400	285	390	400	905	830	615	910
<b>Greece</b>	2,395	1,340	850	795	590	820	1055	865	800
<b>Italy</b>	245	370	335	445	395	420	360	295	350
<b>Spain</b>	595	440	355	290	245	390	455	495	345

Eurostat, last update 22/08/18

**Asylum applications:** The number of asylum applications increased in 2017, with 11,755 applications submitted in 2017 compared to 8,700 in 2016, which is an increase of around 35%. Germany is the Member State with the highest number of asylum applications lodged by Georgians in 2017, followed by France. The asylum recognition rate considerably decreased to 5.48% in 2017 (compared to 14.09% in 2016).

<i>Yearly total number of asylum application by nationals of Georgia</i>	<b>2009</b>	<b>2010</b>	<b>2011</b>	<b>2012</b>	<b>2013</b>	<b>2014</b>	<b>2015</b>	<b>2016</b>	<b>2017</b>
<b>Schengen+ area</b>	<b>10,985</b>	<b>7,465</b>	<b>7,450</b>	<b>11,620</b>	<b>9,750</b>	<b>9,000</b>	<b>8,110</b>	<b>8,700</b>	<b>11,755</b>
<b>Germany</b>	640	750	525	1,430	2,485	3,180	3,195	3,770	3,460
<b>France</b>	540	1,435	1,740	2,680	2,695	1,610	1,325	1,165	2,100
<b>Greece</b>	2,170	1,160	1,120	895	535	350	385	690	1,105
<b>Sweden</b>	370	290	280	750	620	805	890	720	1,100
<b>Switzerland</b>	640	640	400	725	655	465	405	465	670

EurostatEurostat, last update 24/10/18

As regards monthly asylum applications, in the first half of 2018 the number of asylum applications lodged by Georgians in the Schengen+ area has doubled (9,680 asylum applications) compared to the same period in 2017 (4,770). In this period, France is the Member State receiving the majority of asylum applications, followed by Germany:

<i>Monthly asylum applications by nationals of Georgia</i>	<b>2017 M01</b>	<b>2017 M02</b>	<b>2017 M03</b>	<b>2017 M04</b>	<b>2017 M05</b>	<b>2017 M06</b>	<b>2018 M01</b>	<b>2018M 02</b>	<b>2018M 03</b>	<b>2018M 04</b>	<b>2018 M05</b>	<b>2018 M06</b>	<b>2017 1st half</b>	<b>2018 1st half</b>
<b>Schengen+ area</b>	<b>715</b>	<b>730</b>	<b>845</b>	<b>805</b>	<b>835</b>	<b>840</b>	<b>1,885</b>	<b>1,770</b>	<b>1,755</b>	<b>1,545</b>	<b>1,405</b>	<b>1,320</b>	<b>4,770</b>	<b>9,680</b>
<b>France</b>	85	100	110	120	165	175	465	445	465	560	490	480	755	2,905

<b>Germany</b>	225	215	230	285	240	175	760	605	560	335	225	215	<b>1,370</b>	<b>2,700</b>
<b>Switzerland</b>	35	35	45	25	50	50	100	60	95	95	90	100	<b>240</b>	<b>540</b>
<b>Greece</b>	70	75	85	65	110	105	110	80	80	110	120	95	<b>510</b>	<b>595</b>
<b>Spain</b>	0	20	15	80	30	35	30	55	65	80	90	85	<b>180</b>	<b>405</b>
<b>Italy</b>	30	25	45	20	45	50	75	90	75	95	115	80	<b>215</b>	<b>530</b>

Eurostat, last update 20/11/18

The recognition rate for asylum requests lodged by Georgian nationals was 5.48% in 2017, while in 2016 it was 14,09%.

**Readmission and return:** Georgia's cooperation on readmission and return is deemed excellent and efficient by the EU Member States and the vast majority of readmission requests filed in 2017 were approved by Georgian authorities. After a slight decrease in 2016, the number of Georgian nationals ordered to leave increased by 29% from 5,650 in 2016 to 7,275 in 2017, which mirrors the increased number of asylum applications in 2016. At the same time the return rate increased from 55.90% in 2016 to 62,47% in 2017.

	2015			2016			2017		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	<b>6,375</b>	<b>2,885</b>	<b>45%</b>	<b>5,650</b>	<b>3,155</b>	<b>56%</b>	<b>7,275</b>	<b>4,560</b>	<b>63%</b>
<b>Denmark</b>	30	15	50%	30	10	33%	25	30	120%
<b>Austria</b>	95	N/A	N/A	245	110	45%	235	275	117%
<b>Germany</b>	1,090	730	67%	1,350	1,180	87%	2,280	1,705	75%
<b>Greece</b>	1,240	810	65%	830	690	83%	840	645	78%
<b>France</b>	1,500	265	18%	1,255	220	18%	1,280	330	26%

Eurostat, last update 21/08/18

With EU support, Georgia has developed an Electronic Readmission Case Management System (RCMS) currently used by 17 Member States who all expressed satisfaction with its use and especially appreciated the very high rate of positive readmission requests and the timely manner in which Georgia handles the applications. More than 90% are handled within the limits as stipulated by the EU-Georgia Readmission Agreement. Georgia has introduced an electronic travel document (eTD), which as per the 13 September 2018 Ministerial order, may be used by Georgia for readmission purposes, alongside the usual printed document.

So far, Georgia has signed Implementing Protocols with Austria, the Benelux, Bulgaria, Estonia, Germany, Hungary and Lithuania. All of these are in force (the most recent one being the Benelux Implementing Protocol since 1 June 2018). The Implementing Protocol with Slovakia was signed in 2015 and will enter into force once internal administrative procedures are completed. The draft Implementing Protocols with the Czech Republic and

Poland are ready for signature. Furthermore Georgia is currently negotiating Implementing Protocols with Greece, Latvia, Malta, Portugal, Romania and Spain.

Georgia has signed bilateral readmission agreements with Ukraine, Switzerland, Norway, Denmark, Moldova, Belarus and Iceland (the latter was signed on 22 September 2017 but is not in force yet). Negotiations on readmission agreements with Bosnia and Herzegovina, Azerbaijan, Serbia, Montenegro and Pakistan are ongoing. Georgia has proposed to initiate the negotiations of readmission agreements with 25 countries in Western and Northern Africa, Somalia, Central Asia, Indian subcontinent, China, Middle East, Iran and Iraq.

Visa free travel for Georgian nationals with a biometric passport entered into force on 28 March 2017, on the same day as the revised visa suspension mechanism. According to information received from Georgia, between 28 March 2017 and 1 September 2018, around 291,943 Georgian nationals enjoyed the visa free travel to the Schengen area.

In order to address the issue of increased **asylum applications** by Georgian nationals in the Schengen+ area, Georgia has introduced **legislative changes**. An important step was the amendment of the Georgian Law on Civil Acts, setting out stricter terms and conditions for changing the last name, adopted by the Georgian Parliament in April 2018.

The government is looking into further legislative measures to address irregular migration through **stricter criminal and administrative penalties**. Two draft laws are being considered by the Georgian Parliament. One presents amendments to the Criminal Code of Georgia that aims to impose criminal penalties for persons (physical and legal) who encourage irregular migration of Georgian nationals for financial remuneration. The second one envisages amendments to the Law on the Rules of Georgian Citizen's Entry Into and Exit from Georgia, in order to grant the Georgian border guards the mandate to stop Georgian nationals from traveling to the Schengen+ area, based on the criteria required and applicable.

The Georgian authorities are also stepping up their efforts in the area of **border management** by increasing the level of border controls upon exit. The cooperation with the EBCGA is being expanded and consultations to sign a new working arrangement on operational cooperation are ongoing. The working arrangement aims at joint risk analysis, information exchange mechanisms, common training standards and increasing the Georgian participation in joint operations and return procedures.

**Information campaigns** on the rights and obligations under the visa-free regime with a particular focus on preventing the abuse of EU asylum procedures are being conducted throughout the country. The third wave of EU funded information campaign on the rights and obligations under the visa-free regime, with a particular focus on preventing the abuse of EU asylum procedures, was launched in October 2018. An Eastern Partnership panel focusing specifically on the information campaigns was organised in Georgia in October 2018 to take stock of the state of play and to share best practices among the Eastern Partnership countries.



In 2018, the Patrol Police Department went through institutional reforms. As a result, the Main Division for Border Management and Coordination was established, uniting the Border Management Unit and all Border-Crossing Points. The reform contributed to the effectiveness and centralisation of the border management in Georgia. In June 2018, the wanted persons database was integrated into the border crossing points and on 7 July 2018 the Ministry of Internal Affairs' Academy hosted a seminar on the electronic connection to the information database of INTERPOL.

Regarding **asylum applications by third-country nationals in Georgia**, the significant number of these asylum applications was rejected by Georgian authorities based on national security considerations. This remains a concern. Between January and August 2018, 35 applicants were granted the status of refugee or humanitarian status, whereas 409 applications were rejected. 156 applications for international protection were rejected based on national security considerations. Despite a decreasing trend and a positive change in practice since August 2018 (inter alia allowing asylum-seekers and beneficiaries of international protection to have access to minimal information on which the negative decision is based), Georgia needs to ensure that the appropriate legal and procedural guarantees are in place for an effective legal remedy in such cases, ensuring the right balance between respect for the human rights of applicants and state security interests.

### **Public order and security**

According to Europol's threat assessment, OCGs from Georgia are still reported as one of the most frequently represented non-EU nationalities (including dual nationals) of suspects involved in serious and organised crime in the EU. Georgian OCGs are particularly active in France, Greece, Germany, Italy and Spain. These groups are highly mobile and involved in organised property crime (particularly organised burglaries and thefts), but also in corruption, document fraud, extortion and racketeering. Their control of the criminal markets is gradually increasing. In recent years Georgian authorities were successful in dismantling OCGs based in Georgia. This resulted in a significant number of prosecutions or alternatively, departure of the OCG members abroad, mainly to Greece, Italy, Germany, France and the Baltic States. Georgian OCGs operating in the EU Member States should be a priority area for cooperation in reducing their impact in the EU.

During the first half of 2018, several cases involving Georgian criminals producing and supplying ID documents to irregular migrants attempting to enter the EU have been reported to Europol. Georgia remains a transit country for various illicit commodities trafficked to the EU, in particular drugs (heroin being the main concern). The country is increasingly used to launder illicit proceeds generated by OCGs in the EU and has been emerging as a transit area for laundered criminal proceeds flowing from Europe to the ultimate beneficiaries and organisers of fraud schemes located in Israel, China and Hong Kong.

The number of alerts created by Member States in the Schengen Information System (SIS) based on Article 26 increased considerably and has more than doubled between the first and second half of 2017 (from 44 to 102) but remained stable between the second half of 2017 and first half of 2018 (108 compared to 102). This will require monitoring.

<i>Art. 26 SIS alerts</i>	<b>2017 M01</b>	<b>2017 M02</b>	<b>2017 M03</b>	<b>2017 M04</b>	<b>2017 M05</b>	<b>2017 M06</b>	<b>Total 1<sup>st</sup> half 2017</b>
<b>Georgia</b>	7	13	10	2	10	2	<b>44</b>
	<b>2017 M07</b>	<b>2017 M08</b>	<b>2017 M09</b>	<b>2017 M10</b>	<b>2017 M11</b>	<b>2017 M12</b>	<b>Total 2<sup>nd</sup> half 2017</b>
<b>Georgia</b>	11	30	15	19	14	13	<b>102</b>
	<b>2018 M01</b>	<b>2018 M02</b>	<b>2018 M03</b>	<b>2018 M04</b>	<b>2018 M05</b>	<b>2018 M06</b>	<b>Total 1<sup>st</sup> half 2018</b>
<b>Georgia</b>	15	29	21	20	14	9	<b>108</b>

In May 2017, a new National Strategy for Combating Organised Crime 2017-2020 and accompanying Action Plan 2017-2018 were adopted. These documents focus on: the fight against so-called “thieves-in law”, drug-transit and cybercrime, including by implementing police reforms and improving international cooperation. The EU is supporting reforms by a project launched in September 2018, focusing on the prevention of and fight against organised crime. The Ministry of Interior continues the reforms started in 2015 to introduce **intelligence-led policing** and build a unified **crime analysis system**, which are key aspects of the fight against organised crime. On 18 April 2018, two amendments were made to the Georgian Law on Organised Crime and Racketeering, Criminal Code and Civil Procedure Code, extending the criminal jurisdiction over these crimes. Georgia may now exercise criminal jurisdiction over such crimes when perpetrated abroad by a Georgian citizen or by a stateless person with legal status in Georgia.

Regarding the **fight against illicit drugs**, a new National Action Plan was adopted in December 2016 and a new legislative package aimed at implementing rulings of the Constitutional Court<sup>13</sup> was adopted on 26 July 2017. In March 2018 the Constitutional Court further abolished criminal sanctions for cannabis use and in July 2018 it also abolished administrative penalties. The Parliament is considering a legislative package to comply with these last Constitutional Court's decisions while at the same time setting clear provisions for the use of cannabis. In parallel, the Government proposed a bill to allow for the production of cannabis for medical exports, but this has been blocked in the Parliament.

According to the Memorandum of Understanding signed with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA), Georgia set up the National Drug Situation Monitoring Centre in March 2018, though it is not yet fully functional.

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13 The Constitutional Court on (24 October 2015 and 29 September 2016) ruled that the imprisonment of individuals for the possession and purchase of up to 70 grams of marijuana for personal use was unconstitutional.

Further legislative steps have been taken against **money laundering** and financing of terrorism. The Georgian Organic Law on the National Bank was amended in January 2018. It widened the powers of the National Bank in the field of bank licensing and annulation of the license. In addition, it made the regulations for the other financial institutions to enter the financial market more stringent. The changes in the legislation to prevent money laundering also increased the fines for violation of obligations envisaged by the anti-money laundering legislation.

**Cybercrime** emanating from Georgia has limited impact on the EU. However, some Georgian cybercriminals are operating banking malware which has targeted the EU.

As regard the **law enforcement cooperation**, Georgia signed a number of law enforcement agreements and Memoranda of Understanding with several key EU Member States and other third countries in 2016-2017<sup>14</sup>. Georgia now has such agreements with 16 countries. The International Criminal Cooperation Centre (ICCC) created within the Central Criminal Police Department is responsible for ensuring cooperation in the fight against international crime and for coordinating activities through police attachés and liaison officers<sup>15</sup>.

The Operational and Strategic Cooperation Agreement with **Europol** was signed in April 2017 and entered into force in July 2017. In addition, the negotiations of a Memorandum of Understanding on confidentiality and information assurance are ongoing. The negotiations between Georgia and Europol on the update of Annex 1 to the Europol Agreement have been concluded and this update is in force since 21 March 2018. The Memorandum of Understanding on the Secure Communication Line (SIENA) entered into force on 20 June 2018. Georgia designated the International Criminal Cooperation Centre of the Central Criminal Police Department of the Ministry of Interior as a National Contact Point. Georgia has posted a liaison officer to the Europol Headquarters in September 2018.

The negotiation of a Cooperation Agreement with Eurojust has been finalised. The EU internal interinstitutional procedures are currently pending in order to allow the signature and entry into force.

Overall Georgia has a good track record in implementing **anti-corruption** reforms. The results of this policy continued to be reflected in international ratings, though showing a slight decrease in comparison with the previous year as some concerns on high-level corruption persist. In the 2017 Transparency International corruption perception index, Georgia scored 56/100 (compared to 57/100 in 2016), though still ahead of other countries in the European

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14 This includes Slovakia, several German States (*Länder*) – Rhineland-Palatinate, Saxony, Baden-Württemberg, Hessen – Sweden, Hungary, Lithuania, Latvia, Greece, Italy, Belarus Kyrgyzstan and Armenia.

15 Georgia has police attachés in the following 8 EU Member States: Austria (since 2005), France (since 2014), Greece (since 2014), Germany (since 2015), Poland (since 2015), Spain (since 2015), Italy (since 2016) and Sweden (since 2016).

Neighbourhood. The 2016 World Bank Governance Indicators (WBGI) corruption indicator for Georgia is 74 in 2016 (compared to 75 in 2015 and 76 in 2014).

The verification mechanism for **asset declarations** introduced in January 2017 is being effectively implemented. In 2017, 5,800 officials were to submit asset declarations. The ratio set by law was checked, as well as three declarations checked upon third parties request; in total 287 declarations. Out of these 287 declarations, 20% were assessed as compliant. The remaining 80% (231) were not compliant, largely (224) because of error or inconsistency and the concerned officials were automatically fined GEL 1,000 (an amount set by Law). 7 declarations were eventually forwarded to the State Prosecutor’s Office for investigation. The system will operate at full scale once the independent selection Commission is established as the ratio of checked declarations will then be doubled. A new EU twinning project will further support the strengthening of the verification mechanism in this regard. An Asset Recovery Office (ARO) is not yet established in Georgia though Georgia has designated the Unit of European Integration and Cooperation with International Organisations of the Chief Prosecutor’s Office as ARO in July 2018. This is in the process of reviewing its capabilities as an ARO to identify areas for further improvement.

**II.2.3 UKRAINE**

**Integrated border management, migration management and asylum**

**Detections of illegal border crossing:** As regards irregular migration challenges, according to EBCGA data, the number of detections of illegal border crossings of Ukrainian nationals has shown a decreasing trend in the period between 2015 and 2018 (first half).

<i>Detections of illegal border crossing by nationals of Ukraine</i>	
<b>2018 (1st half)</b>	64
<b>2017</b>	169
<b>2016</b>	208
<b>2015</b>	159

Source: FRAN and JORA data (as of 5/09/18)

**Refusal of entry at the external borders:** Between 2016 and 2017 refusals of entry for Ukrainian nationals increased by 47% (with 33,105 refusals in 2017 and 22,495 in 2016). The most-affected Member State remained Poland, followed by Hungary which, interestingly, refused the entry to 2,980 Ukrainians in 2017 while no refusal was recorded in 2016.

<i>Refusal of entry for nationals of Ukraine</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
Schengen+									

<b>area</b>	<b>19,100</b>	<b>18,725</b>	<b>16,115</b>	<b>18,345</b>	<b>16,775</b>	<b>15,585</b>	<b>23,795</b>	<b>22,495</b>	<b>33,105</b>
<b>Poland</b>	12,800	11,095	9,115	12,555	12,060	11,185	19,020	18,775	25,255
<b>Hungary</b>	3,710	4,780	4,560	2,985	2,190	2,040	1,825	0	2,980
<b>Romania</b>	935	1,190	1,125	1,320	1,000	855	1,090	1,490	1,715
<b>Slovakia</b>	750	790	550	530	395	410	440	705	925
<b>Lithuania</b>	105	100	60	55	60	70	330	345	365

Eurostat, last update 24/08/18

**Illegal stay:** In 2017, the number of Ukrainian nationals found to be illegally present increased by 13% up to 33,485, compared to 29,570 in 2016. The most affected Member States are Poland, Hungary, Germany, Slovakia and the Czech Republic.

<i>Illegal stay by nationals of Ukraine</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>11,150</b>	<b>10,750</b>	<b>12,240</b>	<b>12,440</b>	<b>12,265</b>	<b>16,520</b>	<b>23,480</b>	<b>29,570</b>	<b>33,485</b>
<b>Poland</b>	2,070	1,885	3,995	4,800	5,210	7,455	11,885	17,445	19,815
<b>Hungary</b>	1,290	1,940	1,965	1,680	1,905	1,695	2,820	3,620	3,955
<b>Germany</b>	1,155	1,070	1,095	1,280	1,265	1,455	2,550	2,270	2,405
<b>Slovakia</b>	410	365	370	335	355	500	785	1,165	1,740
<b>Czech Republic</b>	1,500	955	1,125	1,065	890	1,020	1,225	1,550	1,510

Eurostat, last update 22/08/18.

**Asylum applications:** The number of Ukrainian asylum seekers in the Schengen+ area decreased from 12,460 in 2016 to 10,075 in 2017 (constituting a 19% decrease). The most affected Member States were Spain, Italy, Germany, Poland, France and Sweden. The asylum recognition rate decreased to 16.24% in 2017 (compared to 20.41% in 2016).

<i>Yearly total number of asylum application by nationals of Ukraine</i>	2009	2010	2011	2012	2013	2014	2015	2016	2017
<b>Schengen+ area</b>	<b>915</b>	<b>805</b>	<b>920</b>	<b>1,090</b>	<b>1,020</b>	<b>14,090</b>	<b>22,100</b>	<b>12,460</b>	<b>10,075</b>
<b>Italy</b>	10	20	20	35	35	2,080	4,665	2,570	2,745
<b>Spain</b>	10	5	10	20	15	895	3,345	2,570	2,260
<b>Germany</b>	85	70	55	135	150	2,705	4,660	2,490	1,325
<b>France</b>	75	90	100	145	135	1,425	1,645	660	685
<b>Poland</b>	35	45	65	70	45	2,275	2,295	1,300	670
<b>Sweden</b>	130	120	190	130	170	1,320	1,415	615	495

Eurostat, last update 24/10/18

As regards monthly asylum applications, in the first half of 2018 the number of asylum applications slightly decreased, with 4,710 asylum applications lodged (accounting for about 9% of all applicants from visa liberalisation countries) compared to 5,280 during the same period of 2017 (constituting an 11% decrease). In the first half of 2018, a third of the Ukrainian applications were lodged in Italy, followed by Spain, Germany, France and Sweden.

<i>Monthly asylum applications by nationals of Ukraine</i>	2017 M01	2017 M02	2017 M03	2017 M04	2017 M05	2017 M06	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06	2017 1st half	2018 1st half
<b>Schengen+ area</b>	840	910	970	710	920	930	810	715	770	740	890	785	5,280	4,710
<b>Italy</b>	180	230	260	155	280	255	235	285	270	225	275	260	1,360	1,550
<b>Spain</b>	275	270	235	165	185	220	180	130	135	165	200	215	1,350	1,025
<b>Germany</b>	85	85	135	120	150	150	105	95	110	100	155	90	725	655
<b>France</b>	50	55	60	40	55	60	75	35	75	55	60	55	320	355
<b>Sweden</b>	40	45	45	40	60	30	35	50	55	55	40	35	260	270

Eurostat, last update 20/11/18

**Readmission and return:** The cooperation with Ukraine on readmission remains good, which is proved by both qualitative assessment of the EU Member States during the Joint Readmission Committee meeting, and by a high return rate (79% in 2017). The latter remains stable despite a surge of return decisions issued in the Schengen+ area in the last years to Ukrainian nationals (32,135 in 2017 compared to 26,875 in 2016). A large majority of returns are voluntary (around 90%) or – where stipulated in the readmission agreement – are processed without a readmission application or under accelerated procedure. The number of detection of Ukrainians illegally crossing the border remains low (64 in 2018), and most irregular migration stems from overstay. Positive experience is also reported with respect to readmission of third-country nationals by the Ukrainian authorities. The 11th Joint Readmission Committee meeting held on 28 September 2018 took account of the proper implementation of the EU-Ukraine Readmission Agreement, and agreed on ways to handle remaining practical issues. In 2017 similar to 2016, most return decisions were issued by Poland, the Czech Republic, Slovakia, Germany and Sweden.

	2015			2016			2017		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Schengen+ area</b>	19,165	14,665	77%	26,875	22,225	83%	32,135	25,330	79%
<b>Belgium</b>	655	645	98%	475	885	186%	420	1,055	251%
<b>Austria</b>	125	N/A	N/A	155	200	129%	305	430	141%
<b>Bulgaria</b>	15	10	67%	10	15	150%	15	15	100%

<b>Latvia</b>	220	200	91%	265	255	96%	225	220	98%
<b>Estonia</b>	120	0	0%	105	75	71%	145	140	97%
<b>Poland</b>	10,780	10,410	97%	16,170	15,360	96%	18,805	17,735	94%
<b>Slovakia</b>	770	740	96%	1,160	1,105	95%	1,730	1,420	82%

Eurostat, last update 21/08/18.

According to figures received from the Ukrainian authorities, the total number of entries of Ukrainian nationals to the Schengen area between 11 June 2017 and 1 September 2018 was 25.9 million. Of these, six million entries were with biometrical passports and 1.3 million entries to the Schengen area were without visas (5% of the total).

Regarding integrated border management, the reform of the State Border Guard Service (SBGS) continues with the Strategy for the Development of the SBGS and a reform of border divisions, including the separation of border checks and surveillance functions. Nevertheless, integrated border management remains a challenge and inter-agency cooperation insufficient. A mid-term evaluation of the current integrated border management strategy was completed and the drafting of a new strategy 2020-2025 and accompanying action plan is envisaged by spring 2019. The set-up of an Inter-Agency Working Group on integrated border management remains to be finalised by the Cabinet of Ministers. The Working Group should improve coordination with the Virtual Contact Analytical Centre, tasked with coordinating operational policies on integrated border management. Ukraine initiated joint border patrols with neighbouring countries and operates joint border crossing points with Moldova.

Ukraine has concluded a working arrangement with EBCGA for enhancing operational cooperation.

### **Public order and security**

The OCGs originating from Ukraine continue to be involved in excise fraud, particularly the production and smuggling of illicit tobacco products to the EU. The OCGs remain involved in corruption, drug trafficking, organised property crime, excise fraud, money laundering and contract killings.

According to Europol, **cybercrime** originating from Ukraine continues to increase, not only in its scale, but also in the sophistication of the plots and attacks.

In response to challenges to **cybersecurity**, a new Ukrainian law entered into force in May 2018. The law prescribes the set-up of a State Cyber Defence Centre and government team for responding to computer emergencies and analysing data on cyber incidents. A National Cybersecurity Strategy and a Decision instructing the Cabinet of Ministers to implement the Convention on Cybercrime were adopted in 2016. Although the general legislative framework is in place, the implementation suffers from a lack of coordination and delineation of tasks

among government agencies. Concerns were also raised as regards the balance between citizens' rights to privacy and the need to grant intelligence agencies access to personal data. The National Police department has been set-up to combat cybercrime but its capacity remains limited. Europol's Internet Organised Crime Threat Assessment (iOCTA) concept has been introduced and the preparation of a national assessment is in process.

Germany frequently reports the **smuggling of irregular migrants** of Ukrainian nationality into Germany by abusing the visa-free travel. Migrant smuggling networks facilitate these trips with the intention to overstay the period granted for visa-free travel in Germany. Europol supported an investigation by the Finnish Border Guard targeting a migrant smuggling network which smuggled Ukrainian nationals into Finland. Similar schemes have been reported in connection with the sexual exploitation of Ukrainian women.

The number of cases of **arms trafficking** from Ukraine into the EU observed by Europol is quite limited. However, the availability and easy access of current conflict munitions in Ukraine might represent a significant risk to the security of the EU in the near future.

While Ukraine has undertaken some steps to combat trafficking in human beings and arms and drug trafficking, the overall capacity remains low and policy recommendations remain to be implemented. A working plan on combatting illicit arms trafficking was agreed in the wake of an EU-Ukrainian technical roundtable (EMPACT Firearms) in March 2017 but remains to be followed up. A National Anti-Drug Strategy and its related Action Plan were adopted for 2015-2020 but implementation lags behind.

The number of alerts created by Member States in the Schengen Information System (SIS) based on Article 26 was stable between the first and second half of 2017 (78 compared to 80) and increased in the first half of 2018 (101 compared to 78). This will require monitoring.

<i>Art. 26 SIS alerts</i>	2017 M01	2017 M02	2017 M03	2017 M04	2017 M05	2017 M06	Total 1 <sup>st</sup> half 2017
<b>Ukraine</b>	3	14	11	10	20	22	<b>80</b>
	2017 M07	2017 M08	2017 M09	2017 M10	2017 M11	2017 M12	Total 2 <sup>nd</sup> half 2017
<b>Ukraine</b>	22	7	12	13	16	8	<b>78</b>
	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06	Total 1 <sup>st</sup> half 2018
<b>Ukraine</b>	15	13	40	15	7	11	<b>101</b>

The State Bureau of Investigation (SBI), which deals with crimes committed by top-ranking officials, started its work on 27 November 2018, opening its first criminal proceedings. The SBI currently has about 300 investigations and filled 23 out of 57 top management positions.



It will be important to swiftly make the new agency fully operational while taking further measures to ensure its independence.

The special unit to fight organised crime within the National Police of Ukraine (NPU) was dismantled in 2015 and has only recently been replaced by a new organised crime fighting department. An overarching Strategy on Combatting Organised Crime and an action plan, based on a Serious and Organised Crime Threat Assessment (SOCTA) are due to be approved by the National Security and Defence Council. Regional Organised Crime Task Forces will be established in order to increase the coordination between law enforcement agencies at regional level. All in all, the new department remains to be properly staffed and trained to become fully operational.

Ukraine is currently negotiating a working arrangement with CEPOL. Ukraine ratified a agreement with Europol on Operational and Strategic Cooperation In September 2017, the Cooperation Agreement with Eurojust entered into force and a Liaison Prosecutor has been appointed to Eurojust as of August 2018.

Ukraine does not currently have an effective **witness protection** program and instead relies on short-term physical protection. An inter-agency working group on Witness Protection was established in order to move forward with the establishment of dedicated capacities disposing of a separate budget and clear rules for protection, relocation and change of identity. There is also a need to establish an effective mechanism for victim and whistle-blower protection. A draft law on witness protection has been registered in the Ukrainian Parliament in June 2018 and a small witness protection unit has been set up within the new organised crime department.

A Law on National Security was adopted in July 2018, including provisions on parliamentary oversight also towards the Security Service of Ukraine (SSU). The framework law contains an exhaustive list of SSU competencies which no longer includes the right to conduct broad economic investigations. This represents a first step to move away from ordinary law enforcement functions and focus the SSU's mandate exclusively on the field of **counter-terrorism**, counter-intelligence and the protection of state secrets. However, in order for these changes to become effective, amendments to the dedicated SSU law will have to be made. An SSU reform concept developed in 2016 in cooperation with international partners contains all necessary elements for developing these amendments in line with international standards. In the fight against terrorism, the SSU disposes of analytical and coordination capacities and a specialised response force. SSU indicates cooperation with some 60 similar foreign services, in particular counterparts in NATO and EU countries.

Reforms have advanced in the **prevention and fight against corruption** albeit at a slower pace over past year. Work to set-up of the High Anti-Corruption Court (HACC) has been making good progress, while the attacks against anti-corruption civil activists continued. The

establishment of the HACC will complete the set-up of the anti-corruption structure and should unblock some of the pending proceedings currently stalled at ordinary courts.

Progress has been made in the establishment of the HACC. In June 2018, the Parliament adopted a respective law, with final amendments to bring it in line with Venice Commission recommendations and IMF demands passed one month later. The selection process for Anti-corruption judges was launched in August 2018 and by the deadline, 343 applications had been received for 39 advertised positions. A minimum of 35 judges will have to be selected for the HACC to become operational. A Public Council of International Expert (PCIE) will have an important role in the selection procedure, designed to avoid the selection of questionable judges. On 7 November 2018, the six members of the PCIE have been selected by the High Qualification Commission of Judges (HQCJ) out of 12 international experts nominated by international organisations, including the EU. The selection of initial HACC judges is envisaged to be finalised in early 2019. However, the international experts do not have sufficient access to information to adequately play their role in the selection process.

The other anti-corruption institutions: the National Anti-Corruption Bureau (NABU), the Specialised Anti-Corruption Prosecution (SAP), the National Agency for Prevention of Corruption (NAPC), as well as the Asset Recovery and Management Office Agency (ARMA) continue to be operational. However **concerns remains relating to the effectiveness and independence** the National Anti-Corruption Bureau (NABU), the Specialised Anti-Corruption Prosecution (SAP).

By October 2018, NABU has investigated in total of 644 corruption-related cases, out of which 155 have been submitted to court but only 21 have been adjudicated. Often, ordinary courts are reluctant to take up corruption-related cases, which thus progress slowly, frustrating public expectations and making NABU vulnerable to criticism. NABU's effectiveness would be further improved with independent access to wire-tapping, which would reduce the bureau's dependency on the SSU (the SSU has disrupted NABU operations in the past and its leadership is under investigation by NABU). Legal constraints resulting from the shortening of time-limits for investigations originally introduced in 2017 have been reinforced with additional legislation in September 2018. To be noted that the massive more than USD 5 billion) at PrivatBank remains today not effectively prosecuted. NABU's ability to conduct effective investigations into complex corruption cases is also hampered by the failure of NAPC to grant direct and automated access to its e-declaration database.

Pressure against NABU has continued over the past year and investigations have been opened against its head due to the alleged disclosure of classified information on ongoing cases. The pending audit of NABU raises concerns due to the politically driven appointment of auditors, which threatens to undermine NABU's leadership.

NABU's work is further complicated by deteriorating relations with the SAP in the wake of accusations against the head of SAP in April 2018. The Qualification and Disciplinary

Commission of the Prosecutor General Office (QDCP), despite having received evidence that head of SAP committed gross violation of prosecutorial ethics, issued only a reprimand instead of dismissal. As a result, the reputation of SAP is severely damaged, and its ability to deliver independent work and to trustfully cooperate with NABU is heavily compromised.

There has been some progress in the establishment of an **automatic verification system for electronic asset declarations** of persons authorised to perform functions of the state and local self-government, the necessary verification software was put into operation and connections to ten state registers (out of 16) for cross-checking of information in the e-declarations was established.

As of October 2018, a total of 2.7 million declarations have been registered in the **electronic declaration system** managed by the NACP. However, progress in their verification remains very slow. NACP has not yet produced a convincing track record of effectively verified declarations of high-level officials. An automatic verification tool that introduces a pre-screening and flags declarations with high risk was handed over to the NACP and on 24 September 2018, the module received data security certification from the State Service of Special Communication and Information Protection.

The NACP has developed technical protocols, to enable the automatic exchange of information with the relevant authorities (so-called register holders), in order to cross-check the data provided in asset declarations. On this basis, the NACP has established connections with 10 out of 16 state registers. Out of the remaining six registers, held by the Ministry of Justice, connections to three registers are being established and will be operational shortly. Connections to the remaining three registers will be established as soon as the Ukrainian Parliament adopts the necessary legislative changes that have already been submitted to it.

The regulatory framework is currently overly restrictive, notably limiting the ability for in-depth verification of electronic declarations due to short time frames, and risking possible impunity of declarants by precluding the possibility of reopening verification decisions if new circumstances become known. While this is an important step forward, further work is needed for the effective functioning of the verification system, among others by developing an adequate regulatory framework and by ensuring that all relevant state registers are included in the automatic verification process.

Despite clear political commitments, Ukraine has so far failed to revoke the legislative amendments from March 2017 to extend the scope of declarants to include among others **anti-corruption activists**. The continued attacks, some of them fatal, over the past months against activists exposing corruption are raising concerns. Investigations into these attacks are slow and their instigators are rarely brought to justice.

The National Agency of Ukraine for finding, **tracing and management of assets** derived from corruption and other crimes (ARMA) continued to build up its capacities. It will be important to quickly fill existing gaps, increase its capacity and ensure automated access to relevant databases to allow for effective operations. It has engaged in cooperation with

numerous international partner organisations and has become a national contact point of the Camdem Assets Recovery Interagency Network in Europe (CARIN), Interpol and StAR. To dispel doubts on its independence, the transparency of its operations should be further improved, including on arrangements for the management and sale of seized/confiscated assets.

### III. ANNEX – STATISTICS

#### III.1 IRREGULAR MIGRATION

<i>Detections of illegal border crossings</i>	<b>Schengen+ area</b>			
	<b>2015</b>	<b>2016</b>	<b>2017</b>	<b>2018 (1<sup>st</sup> half)</b>
<i>Albania</i>	9,459	5,475	7,401	2,905
<i>Bosnia and Herzegovina</i>	150	89	85	16
<i>Georgia</i>	239	119	85	63
<i>Moldova</i>	60	25	38	11
<i>Montenegro</i>	15	4	4	1
<i>Serbia</i>	200	107	84	44
<i>Former Yugoslav Republic of Macedonia</i>	51	19	27	1
<i>Ukraine</i>	159	208	169	64
<b>Grand Total</b>	10,333	6,046	7,893	3,105

Source: FRAN and JORA data (as of 5/09/18)

<i>Third country nationals refused entry at the external borders</i>	<b>Schengen+ area</b>	
	<b>2016</b>	<b>2017</b>
<i>Albania</i>	30,305	34,310
<i>Ukraine</i>	22,495	33,105
<i>Serbia</i>	7,910	8,070
<i>Moldova</i>	4,660	7,270
<i>Bosnia and Herzegovina</i>	5,150	5,145
<i>Former Yugoslav Republic of Macedonia</i>	2,495	3,200
<i>Georgia</i>	810	2,655
<i>Montenegro</i>	335	545

Eurostat, last update 24/08/18

<i>Third country nationals found to be illegally present</i>	<b>Schengen+ area</b>	
	<b>2016</b>	<b>2017</b>
<i>Albania</i>	33,445	37,325
<i>Ukraine</i>	29,570	33,485
<i>Serbia</i>	11,180	14,665
<i>Moldova</i>	7,660	8,785
<i>Former Yugoslav Republic of Macedonia</i>	4,595	6,555
<i>Georgia</i>	5,240	5,860
<i>Bosnia and Herzegovina</i>	3,645	4,135
<i>Montenegro</i>	570	810

Eurostat, last update 22/08/18

### III.2 ASYLUM

<i>Total number of asylum applications</i>	Schengen+ area	
	2016	2015
<b>Albania</b>	30,840	24,070
<b>Georgia</b>	8,700	11,755
<b>Ukraine</b>	12,460	10,075
<b>Serbia</b>	13,515	8,325
<b>Former Yugoslav Republic of Macedonia</b>	9,100	6,890
<b>Bosnia and Herzegovina</b>	4,495	2,790
<b>Moldova</b>	3,675	1,610
<b>Montenegro</b>	1,830	970

Eurostat, last update 24/10/18

<i>Monthly number of asylum applications</i>	Schengen+ area											
	2017 M01	2017 M02	2017 M03	2017 M4	2017 M5	2017 M6	2018 M01	2018 M02	2018 M03	2018 M04	2018 M05	2018 M06
<b>Albania</b>	2,015	1,660	2,370	2,240	2,180	2,170	1,500	1,350	1,580	1,405	1,350	1,340
<b>Serbia</b>	860	730	940	720	580	545	895	620	660	575	355	355
<b>Former Yugoslav Republic of Macedonia</b>	590	575	945	705	475	570	505	385	450	405	330	285
<b>Bosnia and Herzegovina</b>	310	270	365	190	170	180	235	190	195	180	110	170
<b>Montenegro</b>	120	75	80	105	85	65	85	75	70	40	25	35
<b>Moldova</b>	265	130	85	50	85	115	235	275	280	220	280	375
<b>Ukraine</b>	840	910	970	710	920	930	810	715	770	740	890	785
<b>Georgia</b>	715	730	845	805	835	840	1,885	1,770	1,755	1,545	1,405	1,320

Eurostat, last update 20/11/18

<i>Decisions on asylum applications</i> <sup>16</sup>	Schengen+ area					
	2016			2017		
	Total decisions	Total positive decisions	Recognition rate	Total decisions	Total positive decisions	Recognition rate
<b>Albania</b>	77,095	1,635	2.12%	45,350	2,355	5.19%
<b>Serbia</b>	39,105	615	1.57%	16,110	520	3.23%
<b>Former Yugoslav Republic of Macedonia</b>	23,430	190	0.81%	13,825	200	1.45%
<b>Ukraine</b>	15,480	3,160	20.41%	17,400	2,825	16.24%
<b>Bosnia and Herzegovina</b>	11,605	360	3.10%	5,390	305	5.66%
<b>Georgia</b>	11,920	1,680	14.09%	14,230	780	5.48%
<b>Montenegro</b>	6,260	60	0.96%	2,140	45	2.10%
<b>Moldova</b>	4,405	65	1.48%	3,695	50	1.35%

Eurostat, last update: 5/10/18 for first instance decisions, and 13/06/18 for final decisions

16 According to Eurostat definitions, the asylum recognition rate is defined as the share of positive decisions in the total number of asylum decisions for each stage of the asylum procedure (i.e. first instance and final on appeal). The total number of decisions consists of the sum of positive and negative decisions. To be noticed that calculation of the overall recognition rate for all stages of the asylum procedure cannot be made due to lacking information linking the outcomes at first instance and final on appeal for each person concerned. As some of the applicants were rejected at the first instance and lodged an appeal in the same year receive a final negative decision, it would lead to multiplication of some rejected applicants and would cause underestimation of the overall recognition rate. Final decisions on appeal statistics broken down by the year of the first instance rejection would be required to avoid this multiplication. Furthermore, 'Total number of positive decisions' refers also to any authorisation to stay for humanitarian reasons for countries where applicable (i.e. Italy), which is a kind of protection granted under national law concerning international protection by administrative or judicial bodies. It includes persons who are not eligible for international protection as currently defined in the EU Qualifications Directive, but are nonetheless protected against removal under the obligations that are imposed on all Member States by international refugee or human rights instruments or on the basis of principles resulting from such instruments.

### III.3 RETURN AND READMISSION

<i>Third country nationals ordered to leave and returned to a third country following an order to leave</i>	Schengen+ area								
	2015			2016			2017		
	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate	Ordered to leave	Returned	Return rate
<b>Albania</b>	38,960	33,985	87%	31,895	41,365	130%	27,515	29,850	108%
<b>Ukraine</b>	19,165	14,665	77%	26,875	22,225	83%	32,135	25,330	79%
<b>Serbia</b>	13,835	12,800	93%	13,320	12,845	96%	7,810	7,920	101%
<b>Former Yugoslav Republic of Macedonia</b>	5,475	5,805	106%	6,085	7,720	127%	4,290	5,580	130%
<b>Georgia</b>	6,375	2,885	45%	5,650	3,155	56%	7,275	4,560	63%
<b>Bosnia and Herzegovina</b>	5,560	4,100	74%	5,075	3,760	74%	3,720	2,680	72%
<b>Moldova</b>	1,805	1,215	67%	5,015	2,415	48%	4,600	3,835	83%
<b>Montenegro</b>	1,550	1,215	78%	1,490	2,400	161%	750	820	109%

EurostatEurostat, last update 21/08/18.



### III.4 SECURITY

*Number of Article 26 alerts (persons wanted for arrest<sup>17</sup>) created between January 2017 - June 2018 by all Member State, broken down by country and month.*

<i>Art. 26 SIS alerts</i>	<b>Schengen+ area</b>						
	<b>2017 M01</b>	<b>2017 M02</b>	<b>2017 M03</b>	<b>2017 M04</b>	<b>2017 M05</b>	<b>2017 M06</b>	<b>Total 1<sup>st</sup> half 2017</b>
<b>Albania</b>	43	20	37	27	16	14	<b>157</b>
<b>Former Yugoslav Republic of Macedonia</b>	5	1	6	3	1	2	<b>18</b>
<b>Bosnia and Herzegovina</b>	6	8	13	0	11	17	<b>55</b>
<b>Montenegro</b>	3	2	1	0	6	2	<b>14</b>
<b>Serbia</b>	12	36	38	31	21	37	<b>175</b>
<b>Total Western Balkans</b>	<b>69</b>	<b>67</b>	<b>95</b>	<b>61</b>	<b>55</b>	<b>72</b>	<b>419</b>
	<b>2017 M07</b>	<b>2017 M08</b>	<b>2017 M09</b>	<b>2017 M10</b>	<b>2017 M11</b>	<b>2017 M12</b>	<b>Total 2<sup>nd</sup> half 2017</b>
<b>Albania</b>	34	14	15	47	26	38	<b>174</b>
<b>Former Yugoslav Republic of Macedonia</b>	0	4	1	3	2	5	<b>15</b>
<b>Bosnia and Herzegovina</b>	11	11	19	18	17	7	<b>83</b>
<b>Montenegro</b>	1	9	0	1	5	0	<b>16</b>
<b>Serbia</b>	24	46	48	43	38	14	<b>213</b>
<b>Total Western Balkans</b>	<b>70</b>	<b>84</b>	<b>83</b>	<b>112</b>	<b>88</b>	<b>64</b>	<b>501</b>
	<b>2018 M01</b>	<b>2018 M02</b>	<b>2018 M03</b>	<b>2018 M04</b>	<b>2018 M05</b>	<b>2018 M06</b>	<b>Total 1<sup>st</sup> half 2018</b>
<b>Albania</b>	39	81	34	47	52	81	<b>334</b>
<b>Former Yugoslav Republic of Macedonia</b>	4	2	18	8	7	12	<b>51</b>
<b>Bosnia and Herzegovina</b>	16	25	22	25	10	34	<b>132</b>
<b>Montenegro</b>	0	6	0	1	0	2	<b>9</b>
<b>Serbia</b>	53	30	48	20	35	57	<b>243</b>
<b>Total Western Balkans</b>	<b>112</b>	<b>144</b>	<b>122</b>	<b>101</b>	<b>104</b>	<b>186</b>	<b>769</b>

17 Person against whom a European Arrest Warrant or Extradition Request (Associated Countries) has been issued.

<i>Art. 26 SIS alerts</i>	<b>2017 M01</b>	<b>2017 M02</b>	<b>2017 M03</b>	<b>2017 M04</b>	<b>2017 M05</b>	<b>2017 M06</b>	<b>Total 1<sup>st</sup> half 2017</b>
<b>Moldova</b>	7	6	8	2	7	5	<b>35</b>
<b>Georgia</b>	7	13	10	2	10	2	<b>44</b>
<b>Ukraine</b>	3	14	11	10	20	22	<b>80</b>
<b>Total Eastern Partnership</b>	<b>17</b>	<b>33</b>	<b>29</b>	<b>14</b>	<b>37</b>	<b>29</b>	<b>159</b>
	<b>2017 M07</b>	<b>2017 M08</b>	<b>2017 M09</b>	<b>2017 M10</b>	<b>2017 M11</b>	<b>2017 M12</b>	<b>Total 2<sup>nd</sup> half 2017</b>
<b>Moldova</b>	8	0	3	18	5	8	<b>42</b>
<b>Georgia</b>	11	30	15	19	14	13	<b>102</b>
<b>Ukraine</b>	22	7	12	13	16	8	<b>78</b>
<b>Total Eastern Partnership</b>	<b>41</b>	<b>37</b>	<b>30</b>	<b>50</b>	<b>35</b>	<b>29</b>	<b>221</b>
	<b>2018 M01</b>	<b>2018 M02</b>	<b>2018 M03</b>	<b>2018 M04</b>	<b>2018 M05</b>	<b>2018 M06</b>	<b>Total 1<sup>st</sup> half 2018</b>
<b>Moldova</b>	18	2	5	9	14	16	<b>64</b>
<b>Georgia</b>	15	29	21	20	14	9	<b>108</b>
<b>Ukraine</b>	15	13	40	15	7	11	<b>101</b>
<b>Total Eastern Partnership</b>	<b>48</b>	<b>44</b>	<b>66</b>	<b>44</b>	<b>35</b>	<b>36</b>	<b>309</b>