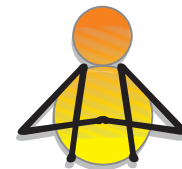




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East East:
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B | T | D The Balkan Trust for Democracy
A PROJECT OF THE GERMAN MARSHALL FUND

European Fund for the Balkans
Bringing the Western Balkans closer to the European Union

Western Balkan Towards White Schengen List

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CONTENTS

Introduction.....	1
Executive Summary of the National Report – Albania.....	3
Executive Summary of the National Report – Bosnia and Herzegovina.....	8
Executive Summary of the National Report – Montenegro.....	13
Executive Summary of the National Report – Macedonia.....	17
Executive Summary of the National Report – Serbia.....	21
Conclusion.....	25

INTRODUCTION

The most current and relevant issue in relations between the European Union and Western Balkan countries is the visa liberalisation process. At this moment this is the clearest perspective that WB countries can get from EU integration process.

Heads of EU Member States and Governments reaffirmed the importance of a dialogue on short term visas in the conclusions of the EU-Western Balkans Summit held in Thessaloniki on 21 June 2003, which also confirmed the European perspective of the countries of the Western Balkans. The “Thessaloniki agenda” confirmed in particular that the perspective of visa liberalisation for the Western Balkan countries is a goal linked to the progress of the countries concerned in implementing major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration and the strengthening of their administrative capacity in border control and security of documents.

Although, Thessaloniki summit has recognized importance of visa liberalisation process, it is not modest if we state that civil society organisations were the first who initiated visa liberalisation dialogue as prerequisite for EU integration efforts. We have to remind you on International Crisis Group Report from 2005, Citizens Pact for South East Europe activities, Group 484, European Movement from Albania policy reports from that time etc. Civil society has initiated crucial impact on European Commission to start its new policy, at the beginning, with visa facilitation process and then with visa liberalisation dialogue.

The International Commission on the Balkans reported in that time that: “Among the most discouraging findings of the Commission is that the European generation of the Balkans, young men and women under 30 who share the values of Europe most keenly and who vote for pro-European parties most regularly, are those who experience the greatest difficulties in visiting the EU. More than 70% of students in Serbia have never travelled abroad. The Commission believes that this should change as soon as possible. This is the most urgent for the youth of countries that have been most isolated from Europe: Serbia and Montenegro, Bosnia, and Albania.”

As a first concrete step towards the establishment of a visa free travel regime, and taking into account that facilitating people-to-people contacts was an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, the European Community concluded in 2007 Visa Facilitation Agreements with Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. These agreements had the aim to facilitate travelling for certain categories of the population while visa regime was still in force.

The Commission in its communication on the enlargement strategy of 6 November 2007 announced its intention to gradually move towards visa liberalisation with the Western Balkan countries through further concrete steps. To that end, it proposed to open a dialogue with each of the countries concerned with a view to establishing a roadmap on the conditions to be met.

The European Commission still uses the core principles of the Council of EU Regulation No. 539 of 2001, insisting on the approach “from case to case” related to the countries that wish to be included in the white Schengen list. This certainly does not diminish the need for closer cooperation among the countries of this region related to the implementation of necessary reforms in the fields foreseen by the so-called Road Maps.

Finally, in its conclusions of January 28, 2008, the EU General Affairs and External Relations Council commended the intention of the European Commission to initiate visa dialogue with all the countries of the Western Balkans. While selecting a methodology for the process of visa regime liberalisation, special attention is given to: the European perspective of the countries of Western Balkans; political obligation undertaken by the EU in regards to short term visas for all citizens of the region, as a part of the Thessaloniki Agenda; conclusion of the readmission agreements by all the countries of the region; visa liberalisation that the countries of Western Balkans have to ensure for all EU citizens.

In its Communication on enhancing the European perspective for the Western Balkan countries of 5 March 2008, the Commission outlined the process it proposed for moving towards visa liberalisation in the Western Balkans. The Commission formally launched the visa liberalisation dialogue in early 2008, respectively with: Serbia on 30 January 2008, Macedonia on 20 February 2008, Montenegro on 21 February 2008, Albania on 3 March 2008, and Bosnia and Herzegovina on 26 May 2009.

The Road Map documents have been created for all Western Balkan countries. The benchmarks were divided into four sets of issues: document security, illegal immigration, public order and security as well as external relations items linked to the movement of persons. The Western Balkan countries reported regularly on their achievements.

The first round of reporting was initiated in September 2008, when the Western Balkan countries submitted their reports according to which the European Commission, in November, gave its first, preliminary assessment on the progress made in the Road Map implementation. This was followed by visits of expert missions, comprised of experts from EU Member States and representatives of the European Commissions. The expert missions visited WB countries in the period February-March 2009. The experts prepared individual reports which served as a basis for the creation of an updated report on the assessment of whether and to what extent the criteria have been met, presented in June 2009. With the submission of this report, the second phase of the dialogue about the visa liberalisation of WB countries was completed.

Based on the achieved results, as well as on the positions of EU Member States, an official proposal of the European Commission to the Council of Europe followed, related to placing Macedonia, Montenegro and Serbia on the white Schengen list, through amendments to the existing Annexes of the EU Council Regulation No. 539-01 (in further text, Regulation 539 of 2001)¹. On July 15, 2009, the European Commission adopted the Proposal for amending Regulation 539 of 2001, which foresees placing Macedonia, Montenegro and Serbia on the white Schengen list. European Commission has concluded that Macedonia has fulfilled all conditions from the Road Map document and that Serbia and Montenegro have to accelerate necessary reforms in certain areas.

For Serbia : the improvement of cross-border/boundary surveillance, which includes in particular the exchange of information with EULEX/Kosovo police, the effective implementation of the Law on Foreigners in force since April 2009 and the adoption of the Migration Management Strategy; the effective implementation of the legal framework for the fight against organised crime and corruption, including through allocation of adequate financial and human resources; the integrity and security of the procedures followed in issuing new biometric passports to persons residing in Kosovo.

For Montenegro: the effective implementation of the Law on foreigners, in force since January 2009; the definition of a sustainable solution regarding the status of displaced persons and internally displaced persons, including access to identity documents; the strengthening of capacities in the area of law enforcement and the effective implementation of the legal framework for the fight against organised crime and corruption, including through allocation of adequate financial, human and technical resources.

European Commission concluded that Albania and Bosnia and Herzegovina did not meet majority of the Road Map benchmarks.

European Commission expert missions have visited Serbia and Montenegro during October 2009 to confirm further progress in realisation of the pending criteria. At the beginning of the November 2009, experts stated visible progress in fulfilment of all benchmarks emphasised by the Commission's proposal.

On its session, held on 12 November 2009, the European Parliament supported visa liberalisation for Serbia, Macedonia and Montenegro. Although, it is not a regular practice, the European Parliament has adopted the Joint Declaration of the European Commission, European Parliament and EU Council on visa liberalisation. As the part of the EP Resolution, this declaration confirmed unified approach of these three EU institutions on necessity of visa liberalisation for Serbia, Macedonia and Montenegro as well as clear perspective for Albania and Bosnia and Herzegovina for the same status "as soon as" possible.

On its session, held on 30, November, 2009, EU Council adopted final decision and abolished visa requirements for Serbia, Macedonia and Montenegro since 19, December, 2009.

1 Amending Regulation (EC) NO 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (hereinafter Amending Regulation (EC) NO 539/2001 from 2001)

Executive Summary of the National Report – Albania

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On 15 July 2009, Commission decided to propose to the Council of the European Union a new Regulation amending Regulation 539/2001, which lists third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement. This new proposal provides for moving Macedonia, Montenegro and Serbia to the positive Schengen list and upholding Albania and Bosnia and Herzegovina in the negative Schengen list.

This proposal was based on the Commission's assessment reports prepared in the course of first half of 2009. The final assessment reports took into account:

1. The Readiness Reports sent to the Commission by the governments of WB countries
2. The first Assessment Report prepared by the Commission officials
3. Updated information to the Readiness Reports
4. Commission and Member Countries' Mission experts field assessment reports

The European Parliament, which had only a consultative role in the process before entry into force of the Lisbon Treaty on 1 December 2009, proposed for moving to the positive list of Albania and Bosnia and Herzegovina, with the condition that this should enter into force at the moment when the countries have fulfilled all the criteria laid down in the Roadmap. The so-called "asterix" solution would have enabled the governments of these countries to be pushed forward quicker with fulfilment of the remaining benchmarks. The joint declaration attached to the updated proposal of the Parliament was backed by the Commission and Council, but it does not mention any concrete date for these remaining countries to receive visa-free regime.

On 30 November 2009, the Council decided to grant visa free travel to and throughout the Schengen area for citizens of Macedonia, Montenegro and Serbia, leaving out Albania and Bosnia and Herzegovina, but promising a visa dialogue in near future for the citizens of Kosovo.

Though Albania has made substantial progress on fulfilling the criteria laid down in the Roadmap towards visa free regime, it still lacks the implementation of a number of benchmarks, which should follow very soon if Albania intends to join the three other Western Balkan countries in the near future.

After the summer months, when general elections were held in Albania, and not a lot of work was observed regarding compliance with the request of the European Commission letter from 15 July, the new government started to take every benchmark seriously after 1 September. An internal Visa Action Plan has been in place since 29 July, and the fulfilment of the remaining criteria is going more or less according to this document.

The latest Assessment of the European Commission of 18 May 2009 highlights that Albania has made good progress towards the fulfilment of the benchmarks of each of the four blocks, but it appears that Albania does not yet fully meet all the benchmarks specified under the blocks 1, 2 and 3 of the Roadmap. Meanwhile, In the block 4, Albania has made good progress towards meeting the benchmarks set under this block, but some problems still remain.

Since that time, Albania seems to have caught the momentum and its government is not losing time anymore, especially when it is clear that the reward is based on the actual achievements and could be reached very soon. Some of the achievements are described below under each block.

BLOCK 1: Document Security

A new electronic civil registry system has been operational since 31 October 2008, providing a secure centralised database for the issuance of breeder documents such as birth certificates. Significant progress has therefore been made on breeder document security.

The processing of applications for biometric passports started at the end of March 2009. The Ministry of Foreign Affairs declares that by 13 November 2009 there have been **263,000 applications** and of those **200,000** are now in the hands of their owners (as of mid-November 2009). According to statistics, there are approximately 2 million of old type passports in circulation, which should be replaced by the new ones as soon as possible. The expected expiry time of these old type passports is June 2011. It should be mentioned that the cost of the new type biometric passport is 50 Euro per passport.

Some **1.6 million ID cards** had been produced and personalized by the end of August 2009 since their introduction in January 2009.

Further inquiries in details:

- The personalization centre is under 24-hour protection by security guards and provides all the required security measures.
- Upon the delivery of ID cards and passports, the biometric features of the applicant are verified.
- There is direct access of Albanian police stations and border crossing points (BCPs) to the Interpol database on lost and stolen passports.
- Systematic trainings and general anti-corruption programmes are set up targeting public officials dealing with issuance of passports, ID cards and breeder documents.

Statistical data: From June 2008 to February 2009, 16,079 Albanian passports have been uploaded into the Interpol ASF database. Taking only last six months of 2008, i.e. 13 835 documents uploaded, the figures for stolen passports (115, less than 1 %) or for lost passports (5489, about 40%) both amount to fewer than the number of invalid ones (7490, 53 %) introduced into the national, and then the ASF database.

Conclusions: Over the last 3 years, the police services in Albania and Interpol Tirana have done much to improve the process of uploading national and ASF databases on lost and stolen passports. The Albanian authorities consider the process to be fairly consolidated, and it can now be said that the information in the field is available for all EU Member States. However, the fact of not being able to consult the ASF database for police stations or border crossing points curbs the extent of this progress.

BLOCK 2: Illegal Migration, Including Readmission

- Albania should continue to improve its sea border surveillance system and strengthen its inter-agency and international cooperation.
- Good progress has been made in the area of asylum. Amendments to the Law on Asylum were adopted in January 2009 and legislative harmonization with EU standards has relatively advanced. The possibility for judicial appeal exists although relevant procedures should be further elaborated in the legal framework. The reception centre for asylum seekers has been renovated and is in a very good condition.
- Further efforts are required to provide a sustainable migration management structure and improve coordination between the relevant administrative bodies.
- The **readmission agreement** with the European Community is being implemented.

Border management

There is a need to ensure effective implementation of the Law on State Border Control and Surveillance. The revised IBM Strategy and Action Plan were adopted by the Council of Ministers on 14 October 2009.

The BMP (Border and Migration Police) has 1400 border police officers. All new recruits receive 22 weeks of training, and in addition, in 2008 over 100 specialized and advanced trainings were organized. Significant efforts have been made to improve training for border police officers and the authorities have demonstrated awareness of the importance of making progress in this field.

Working Agreement with FRONTEX was signed in February 2009.

Asylum

The Albanian asylum system is fully functional. Amendments to the Law on Asylum were adopted on 26 January 2009 and harmonization of the legislative framework with European standards has relatively advanced.

Staff has received extensive training from the EU and international experts, and this training is ongoing. Asylum seekers receive a first instance decision within 30 days of their application. In 2008, 13 persons applied for asylum, 8 of whom received refugee status.

Identified asylum seekers are thereafter transferred to the reception centre in Babrru. Between 1 April 2004 and 30 June 2006 more than 1,500 police officers and officials were trained on the pre-screening procedure by the EU. Management of the reception centre for asylum seekers in Babrru was taken over by the Albanian authorities from the EU in 2004. Following recent renovations, the centre now has the capacity to accommodate 120 persons in good conditions, although currently only 15 are present. The reception centre employs 15 persons who have received adequate training. Asylum seekers are guaranteed access to health care and education, and receive monthly allowance from the EU. It is advisable that the training of staff and assistance activities are taken over by the Albanian authorities from UNHCR.

Migration management

In the area of migration management, a new Law on Foreigners has entered into force and the implementation of the National Migration Strategy and Action Plan are continuing. Further efforts are required to provide a sustainable migration management structure and improve coordination between relevant administrative bodies.

Statistics: In total, 105 removals were executed in 2008, 76 of which were voluntary and 29 forced. No expulsion was ordered in 2008 while only 2 were carried out in the first quarter of 2009. Also the number of refusals of entry was relatively low in 2008, in total 407 cases.

BLOCK 3: Public Order and Security

- Progress has been made by Albania towards the fulfilment of the benchmarks under block 3. However, considerable additional progress is still required across all policy areas under this block.
- The implementation of the key strategies remains a challenge and an overall action plan related to the fight against organized crime.
- **Further human and financial resources as well as training need to be provided and the capacities of the relevant administrative structures have to be strengthened in order to fight organized crime and corruption more effectively.**
- **Inter-agency cooperation should be more sufficient, and this remains an obstacle to efficient law enforcement.**
- International cooperation should be strengthened.
- In the area of protection of personal data, adequate human and financial resources remain to be allocated.

Strategies and action plans

The National Strategy on the Fight against Trafficking in Human Beings reiterates the roles of the different bodies in this field. Anti-Trafficking National Task-Force has been established to implement the National Strategy on the Fight against Trafficking in Human Beings. All the bylaws necessary for the implementation of the Law on the Prevention of Money Laundering and Financing of Terrorism have been adopted. The National Strategy against Drugs Trafficking and the National Drug Action Plan 2004-2010 are in place.

Prevention and fighting against corruption, law enforcement

Out of 13 GRECO recommendations in preventing and fighting corruption, 10 have been fulfilled, 1 has been partially implemented and only 2 remain to be fully applied.

As regards judicial co-operation in criminal matters, progress has been made in strengthening operational cooperation between the law enforcement agencies and with the judiciary, in all the crime areas covered by the Roadmap. The cooperation with FRONTEX has been strengthened. FRONTEX assists border police concerning the understanding and building of capacities of Risk Analysis.

Data protection

In the area of protection of personal data, progress has been made but adequate human and financial resources remain to be allocated. The new Albanian Law on Protection of Personal Data entered into force in April 2008. It also applies to automated databases containing personal data in the area of criminal records and state security.

BLOCK 4: External Relations and Fundamental Rights

Only a few obligations remain to be fulfilled in order to meet all the benchmarks set under block 4.

- To complete the legal framework on equal treatment, a specific law on anti-discrimination remains to be adopted by the Parliament.
- The basic legal framework for ensuring free movement and access to documents in Albania is in place. Practical efforts have been made to ensure access to documents for some specific groups but problems in this area still remain, in particular as regards the Roma community.
- Provisions on the protection of minorities are in place as well as specific institutional structures.

According to the current official statistics, minorities represent 1.4% of the population of the country. A regulation of the Ministry of Interior from December 2008 provided for the creation of a working group for identification and registration of unregistered Roma population. Albania became a full member of the Decade of Roma Inclusion 2005-2015 in July 2008.

Executive Summary of the National Report - Bosnia and Herzegovina

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Due to the complexity of its administrative structure and the difficulty to reach political consensus on some reforms, particularly in the sphere of public order and security, Bosnia and Herzegovina was experiencing substantial difficulties in satisfying the Roadmap measures. On July 15th, the European Commission presented to Bosnia and Herzegovina an annex outlining `the specific areas in which Bosnia and Herzegovina is asked to make further progress, and report on, in view of the fulfilment of the outstanding benchmarks,¹ whose number remained substantial. As a result of efforts undertaken over the last period, considerable steps forward can be noticed in terms of development of legislature and strategic documents required, with a number of outstanding benchmarks being met in this regard. However, further advancements in the actual implementation of the latter should be carefully monitored in the following period, so as to ensure substantive rather than solely formal meeting of the conditions.

BLOCK 1: Document Security

In June 2009, all the benchmarks from block 1 remained to be fulfilled. Presently, it is the general assessment of ACIPS for block 1 that solid progress has been made on all requirements. Although only one benchmark has been fully achieved, and that is reporting to the Interpol/LASP database on lost and stolen documents, most of the benchmarks are expected to be met by the end of 2009 at the latest.

According to the Agency for Identification Documents, Registers and Data Exchange (IDDEEA), from October 15th till November 13th 2009, 15 803 biometric passports were personalized based on citizen requests submitted with the competent authority.² The system for issuing biometric travel documents has been tested as of July 2009. Anticorruption and educational programs for servants that issue breeder documents are in course. The legal and technical requirements have been met for the establishment of an automated system for reporting to Interpol on lost and stolen travel documents, implemented by IDDEEA. The verification of registry books and data entry into the central database coordinated by IDDEEA still remains to be implemented by some of the municipalities. However, all entities, cantonal and municipal authorities are expected to digitalize their registry books by the end of 2009. Further, additional efforts must be undertaken to ensure the security of breeder documents, in compliance with ICAO and EC standards. The Ministry of Civil Affairs has been appointed to enhance this.

Key recommendations:

- Proceed with issuance of biometric passports
- Proceed with implementation of educational and anticorruption programs for all servants issuing passports and breeder documents
- Data entry of registry books information into central data base managed by IDDEEA

BLOCK 2: Illegal Migration, Including Readmission

Bosnia and Herzegovina made efforts and achieved significant progress regarding migration management standards and plans for eventual EU integration. A source, transit and destination country for both irregular and regular migration, the country has relatively young institutions in place responsible for migration management. Improvements are evident in many areas of block 2 issues, both in border management, asylum policy and in migration management.

Regarding border management, in July 2009, the Indirect Taxation Authority was designated as the institution in charge of border crossing point facilities. The Integrated Border Management (IBM) system has also been established and should enhance the operational effectiveness of the agencies working at the border through ensuring their interconnectedness. As a mechanism of coordination, the Commission for Integrated Border Management has been established. Additionally, an agreement on cooperation between all IBM agencies has been signed. Another achievement in this segment is the adoption of the Law on Border Control in June 2009, which regulates and clarifies the responsibility for management of border posts. Bosnia and Herzegovina is also

1 European Commission. *Letter to BH – Annex*. July 15th 2009.

2 Agency for Identification Documents, Registers and Data Exchange (IDDEEA). *“Personalization of biometric passports is carried out without any problems –News.”* IDEEA, 13.11.2009. available at: http://www.iddeea.gov.ba/en_saopstenja_detalji.php?id=125

the only country in the region having established a Joint Risk Analysis Center. Cross-border cooperation with neighbouring countries is successful, and Bosnia and Herzegovina concluded an agreement with FRONTEX. However, additional efforts are needed regarding border demarcation issues and the improvement of border crossing points. Some of the border crossing points still do not satisfy the elementary conditions for normal functioning, such as electricity or clean water.

The asylum matters in Bosnia and Herzegovina are defined by the new Law on Movement and Stay of Aliens and Asylum, which entered into force on the 14th of May 2008. As a result of developments and progress in the area of asylum policy, the procedures in this field are largely in line with international standards. Finally, all approvals related to the building and the functioning of the permanent reception center in Trnovo have been granted, and it should be fully operational in 2011.

Progress has been made in the area of migration management. The new National Strategy on Migration and Asylum was adopted in November 2008 and the Migration Profile for Bosnia and Herzegovina was created and adopted. The Informative System for Migrations is in its testing phase, the structure for information exchange thus being established. It is expected to become functional in 2010. The Strategy on Return and Reintegration based on the Agreement on Readmission has been adopted. Also, an additional 80 places will soon be secured at the detention centre for illegal immigrants.

Key recommendations:

Border management

- Continuing efforts of harmonization of procedures between the IBM agencies
- Continuing efforts on improvement of the border crossing point infrastructure

Asylum policy

- Complete the new asylum centre in Trnovo, including the rulebook defining the questions of functioning and financing of the Centre

Migration management

- Establish the information system on migration - to become functional in 2010

BLOCK 3: Public Order and Security

The inability of Bosnia and Herzegovina politicians to reach a consensus about many of the core issues covered by this block presented a major obstacle for its full realization. The updated progress assessment presented by the European Commission on June 8th, and re-iterated in the Annex to the Commission's letter to the country's authorities of July 15th, indicated that the majority of benchmarks that remained to be met were contained in this Block. Generally, a considerable amount of additional sustained efforts is required for the full realization of the requirements of the block 3, though increased efforts in meeting the core benchmarks can be noted in the recent weeks, and identified as an important step forward. Recent adoption of several key pending strategies and laws by the Council of Ministers is certainly positive, though the true assessment of success still depends on the successful implementation of the mentioned strategic documents, following their final adoption by the Parliament.

Among the main developments the following can be noted: the new Strategy for Fighting Organized Crime 2009-2012 has been recently adopted, as well as the Strategy for Fight against Corruption and its 2009-2014 Action Plan. Additionally, consensus was reached and the Law on the Establishment of the Agency for Prevention of Corruption and the Coordination of the Fight Against Corruption was adopted and sent into parliamentary procedure. It remains to be seen whether this Agency will have the jurisdiction required to successfully coordinate the fight against corruption. Following the adoption of the National Drugs Strategy in March 2009, the related Action Plan has now also been put in place. Additionally, the Law on the Prevention of Money Laundering and Financing of Terrorist Activities has been adopted and entered into force in June 2009, followed by the adoption of the Strategy and the Action Plan for 2009-2013 in September of this year.

In fighting organized crime, one of the greatest obstacles identified has been the low level of cooperation and exchange of information, both between domestic law enforcement authorities (horizontally) as well as within a given agency (vertically). There is also the prevalent issue of numerous policing agencies with overlapping jurisdictions. As these are highly politically contentious issues, they have been blocking the process of enhancement of the law enforcement structures considerably. The breakthrough in this process has been the Agreement on the establishment of an electronic system of information exchange from police and prosecution registers, adopted by the Council of Ministers on September 30th. Following the adoption by CoM, the Agreement was signed by the directors of all police and prosecutorial bodies. The ownership over the data remains in the hands of the respective agencies, but its exchange will be managed by this centralized system. The system server will be located in the Directorate for the Coordination of Police Bodies and Agencies in Sarajevo, and is expected to become functional 60 days following the designation of the Director of this body. The appointment procedure should be undertaken shortly, which is a positive step towards the full implementation of another contentious measure – the two police reform laws of 2008, which imply the nomination of directors for the respective vacancies and full establishment of the 7 state-level police agencies.

Another important problem that remains prevalent is the slow process of harmonization of parallel criminal law frameworks that exist within the country. Though the CoM has recently adopted the Draft Law on the Amendments to the Criminal Law of Bosnia and Herzegovina, it remains blocked in parliamentary procedure with 31 new amendments.

Progress has been made in the field of cooperation with international law enforcement organizations, though further efforts are needed in the implementation of the agreements that Bosnia and Herzegovina has signed, such as the GRECO recommendations.

Solid progress has been made in the establishment of the legal and administrative framework for data protection, as well as in the establishment of working relations with Eurojust. The Law on International Legal Aid in Criminal Matters was adopted in June 2009.

Key recommendations:

Preventing and fighting organized crime, terrorism, and corruption

- Adopting the Law on Amendments to the Criminal law of Bosnia and Herzegovina
- Harmonization of parallel criminal law frameworks that exist within the country, especially on lower levels of government
- Unification of legislation regarding confiscated assets on the state level, harmonization with entity levels
- Full implementation of the agreement on the establishment of an electronic system of information exchange from police and prosecution registers
 - Specifically, ensure availability of information on drugs seizures and persons involved at border crossing points
- Full adoption and implementation of the Law on the Establishment of the Agency for the Prevention of Corruption and the Coordination of the Fight Against Corruption

Judicial cooperation in criminal matters

- Increase the number of well trained personnel to the optimum level – continuing trainings in international legal assistance, including training of judges and prosecutors on the new Law on International Legal Aid in Criminal Matters

Law enforcement cooperation

- Fully implement the two police laws of 2008 (Law on Independent Supervisory Bodies of Police Structure of Bosnia and Herzegovina and Law on the Directorate for Coordination of Police Bodies and Agencies for Support to the Police Structure of Bosnia and Herzegovina) - appointment of directors and establishment of the planned police agencies

BLOCK 4: External Relations and Fundamental Rights

Although Bosnia and Herzegovina has made good progress towards meeting benchmarks under block 4, some issues still remain to be resolved. Adequate legal framework is in place regarding the freedom of movement and access to identity documents, though certain difficulties still exist in terms of implementation of the legislation for vulnerable groups such as refugees, displaced persons, returnees, disabled persons and members of minorities.³

As for minority rights, they are generally well ensured, both through legal provisions and institutional arrangements. Furthermore, General Anti-Discrimination Law was adopted in July 2009⁴, after an extensive parliamentary procedure. Overall, a small number of cases of discrimination have been registered in Bosnia and Herzegovina, and when they occur, the Ministry of Human Rights and Refugees reacts immediately. However, there is no information on further follow-up regarding police investigations, prosecution and court action. Additionally, there are ongoing problems in phasing out of the Entity Ombudsmen offices, especially in Republika Srpska, that have been delaying the establishment of a fully functioning single Ombudsman Office at the state level.⁵

The most numerous minority in Bosnia and Herzegovina, the Roma, is still the most vulnerable one as well. The Roma strategy is being successfully implemented, and the Ministry of Human Rights and Refugees is carrying out the obligations taken by joining the Decade on Roma Inclusion 2005 – 2015. However, there are still difficulties in securing the funds for the implementation of the Action Plan on Educational Needs of Roma and Other National Minorities in Bosnia and Herzegovina.

In the area of citizenship, there are no major obstacles. Citizenship is primarily acquired through descent from at least one parent with Bosnia and Herzegovina/entity citizenship. Naturalization is possible, but strict conditions are in place. Currently, amendments to facilitate naturalization are awaited. Also, Bosnia and Herzegovina needs to ratify the bilateral agreement with Croatia on dual citizenship, while the agreement with Montenegro is in process.

Overall, the country is on the right track to meet the benchmarks under this block. Additional efforts are still needed on protection of minorities and fight against discrimination.

Key recommendations:

Conditions and procedures for the issue of identity documents

- Ensure facilitated procedures providing undisturbed access to identity documents for displaced persons and refugees.
- Improve statistics on access to documents for refugees

Citizens' rights including protection of minorities

- Follow up to cases of ethnically motivated incidents (police investigations, prosecution and court action)
- Complete phasing out of the Entity Ombudsman offices – ensure full functioning of the single Ombudsman office
- Revision and implementation of the Action Plan on the Educational Needs of Roma and Members of Other National Minorities

3 Updated Assessment of the Implementation by Bosnia and Herzegovina of the Roadmap for Visa Liberalisation. European Commission, May 2009, p.24.

4 *Law on Anti-Discrimination*, Bosnia and Herzegovina Official Gazette, 59/09, 28. July 2009.

5 Šlako, Samir. Expert for monitoring of the Decade of Roma Inclusion, Ministry of Human Rights and Refugees of Bosnia and Herzegovina. Interview. July 6th 2009.

Executive Summary of the National Report – Montenegro

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The purpose of this report is to influence the actors within the EU visa regime, and especially the decision-makers, to speed up the process of meeting institutional and technical requirements for placing Montenegro on the positive list of EU visa regime policy in line with the Road Map criteria.

On May 28, 2008 the European Commission presented the Roadmap to Montenegro and on July 15, 2009 the European Commission proposed three Western Balkan states to enter white Schengen list; apart from Macedonia and Serbia, Montenegro was also included in list. The European Commission has stated that Macedonia met all requirements from the Roadmap. On the other hand, the abolition of visa regime for other two countries, Montenegro and Serbia, was proposed, if they meet the remaining requirements from the Roadmap, by the date set for EU members to decide on the proposal.

BLOCK 1: Document Security

The greatest progress in meeting the requirements within the Roadmap document Montenegro has achieved in the area of document security. From May 2008 to September 2009, 132,909 of biometric passports, 204,736 of identity cards and 95,732 of driver's licenses were issued. The new documents are in line with ICAO and EU standards. EAC (Extended Access Control) data base with finger prints has been integrated. It is expected that the replacement of the old travel documents with the new biometric passports will be completed by the end of 2009. The overall process was led and controlled by the Ministry of Interior and Public Administration.

Although the majority of requirements from this part of the Roadmap are met, several segments still remain, in order to meet all requirements within this part. They are related to:

- Very few border crossings have the necessary equipment for interpretation of biometric data. From 28 border crossings, where most of them are use for local communication, the biggest seven have the necessary equipment for interpretation of biometric data and the next seven will have it by the end of 2009.
- There is a legal limit for utilization of chips in travel documents.

Therefore, Montenegro has met 99% of requirements in the area of document security, what was rated positively by the EC.

BLOCK 2: Illegal Migration, Including Readmission

Montenegro has met significant number of requirements from the second part of the Roadmap regarding the area of border management, asylum and migrations. When it comes to the adoption of legislation concerning the external border management, as well as the organization of border services and their functions in line with the Action Plan for Implementation of the Strategy on Integrated Border Management, which was adopted in December 2006, it is important to note that the new Draft Law on State Border Control has been accepted by the Government on September 17th 2009 and it is to be adopted in Parliament by the end of 2009.

The next sub-area deals with progress reporting on drafting, adoption and application of legal and regulatory aspects/normative documents on movement of people at external borders, taking into account the EU good practice/norms. Hence, the Law on State Border Surveillance was adopted in 2005. Although the majority of requirements from the aforementioned area have been met, the EC made certain observations and gave a list of priorities in its Report that must be met in line with the *Roadmap*. Those suggestions refer to the following:

- The training program for border police staff, at the Police Academy, is currently inadequate. It is too general and does not focus enough on the main responsibilities of the border police staff.
- There is a need for organizing professional trainings on risk assessment, detection of smuggled persons etc.
- The number of professionals dealing with intelligence services has to be increased at all levels, and the possibility of electronic exchange of information must be ensured.
- The modernization of equipment for border surveillance, as well as the infrastructure at the border crossings is needed.

- Some of the smaller border crossings are requiring urgent modernization.
- The usage of sniffer dogs for vehicle control is recommended.

There is also a need for integration of all border crossings into unique information network. At the time being, a great number of border crossings do not have the access to national data-base and only three of them have the access to INTERPOL data-base.

The next requirement concerns the adoption and implementation of legislation in the area of asylum, in line with international standards (the Geneva Convention from 1951, together with the New York Protocol) and legal framework and EU standards. The Law on Asylum was adopted in July 2006 and it has entered into force from January 2007. The EC considers the legal framework on asylum to be relatively good and that the Law on Asylum has taken into account the EU standards.

Nevertheless, the efforts have to be further made in order to ensure effective implementation of the rights and obligations of asylum seekers. Apart this, the State Asylum Appeal Commission which decides on asylum requests, is a body which decides only in second instance and no full judicial review is foreseen.

When it comes to the part dealing with provision of adequate infrastructure and strengthening of institutions in the area of asylum, the EC considers that the state institutions responsible for asylum are functional. The Bureau for Refugee Care is operational and has sufficient staff. However, the EC considers that further efforts should be made in order to ensure effective implementation and rights and obligations of the asylum seekers. The Office for Asylum needs additional training, as well as the State Asylum Appeal Commission (SAAC).

The special concern is expressed regarding the status of displaced persons.

In the part related to necessary measures for reintegration of returnees, including sustainable financial and social support basic actions have been implemented, but that there is still space for further improvement.

Within the segment that concerns the definition and application of methodology for internal detection and measures to be taken for capacity improvement of investigations of cases of illegal migration assistance, the EC finds significant improvement. However, the EC considers that, for some reason, the efficiency within this area was reduced, hence this area is found questionable, but the progress within this area is still satisfactory.

With regard to the part dealing with adoption and application of the Law on Foreigners which administers the access to territory and residence of third-country nationals, data collection and migration surveillance system has been improved. The functional data-base access (central registry for foreigners) has been established which issue residents permit – At the moment there are 10,138 foreigners whose resident permit is approved for first time, 1,462 with extended residence permit and 437 whose permanent residence is approved. Some 14,000 working permits have been issued.

BLOCK 3: Public Order and Security

Montenegro has made a considerable progress towards meeting all conditions from the third part of the Roadmap conditions. However, there are some segments within this block of conditions that must be devoted greater attention. Institutions competent for fight against organized crime must be further strengthened through recruitment of additional staff, particularly in certain police sectors. Additional training and equipment are also necessary. Montenegro must continue with strengthening capacities of certain institutions on discovering potential victims of trafficking. The European Commission advises that Montenegro must apply appropriate investigation methods in a more quality manner as well as strengthen cooperation among relevant institutions dealing with prevention of money laundering.

In the part related to implementation of legislation on prevention and fight against corruption in accordance with the Action Plan for Fight against Corruption, estimates are fairly good and the progress is visible, but there are still a lot of issues to be completed. Even in this part, normative framework is almost completed, but institutional and human resources and capacities are still insufficient, and implementation remains the problem. The number of successful investigations and judgments based on them is low.

Furthermore, in the section related to improvement of efficiency in judicial cooperation in criminal investigations of judges and prosecutors with EU countries and countries from the region, coordination of those institutions on the national level should be encouraged, since it has currently been based on an informal basis. The European Commission criticizes shortage in human resources as well as deficit of technical knowledge. Montenegro should also strengthen operative and investigation capacities of institutions competent for implementation of laws.

As far as cooperation with EUROPOL is concerned, Montenegro should ratify strategic Agreement on cooperation with Europol and ensure its efficient implementation. Capacities of the Directorate for Internal Police Cooperation must be strengthened. Shortages in staff and technical equipment also need to be replaced.

Taking data security into consideration, Montenegro should go on with making efforts, so that new Data Security Law is in accordance with Acquis as well as with 95/46 EC. Also, independent National Agency for Protection of Personal Data must be established and fully functional. State sectors should entirely implement the Data Security Law.

Finally, when it comes to this section of the Roadmap the Government of Montenegro has signed the Additional Protocol with Convention of the Council of Europe for the protection of individuals with regard to automatic processing of personal data.

BLOCK 4: External Relations and Fundamental Rights

There is a need for Montenegro to devote more attention and efforts towards further development of legislation in this field as well as to provision and better functioning of the mechanisms laid down by the law.

In anti-discrimination field, the Draft Law on Prohibition of Discrimination is not yet in parliamentary procedure. Montenegrin Parliament adopted *Law on Gender Equality* that has been implemented since August 2008. However, besides the law, additional and comprehensive anti-discriminatory measures are necessary.

Significant progress has been made in the field of visa policy, such as conclusion of the working contract with FRONTEX; however, existing visa regime is still not in accordance with European standards. It is necessary to finish negotiations on dual citizenship between Serbia and Montenegro. Montenegro, generally, fulfils criteria from this part of the Roadmap, but further work in this field is still necessary.

Montenegro has made progress and has demonstrated the political will in regard the major part of EU integration issues. The greatest number of institutions has taken measures and has focused the attention to meet the expectations and requirements made by the EC and stated in the Roadmap. Nevertheless, in spite of the progress made, corruption, organised crime and the independence of the judiciary, remain the issues of concern for most EU member states. Efficiency and effectiveness of the judicial system and law enforcement services is still rather weak. These problems may represent a big obstacle on the road towards EU integration of the country in general.

On October 22, 2009 Montenegrin Parliament adopted the Law on Amendments of Law on Foreigners in order to define sustainable solution for status of displaced and internally displaced persons. This law enables for displaced persons from ex YU territories and internally displaced persons to obtain status of foreigner with permanent residence which includes the right to obtain ID cards i.e. identification document for foreigners.

By the provisions of the new Law, displaced and internally displaced persons, as the foreigners with permanent residence in Montenegro are granted the following rights: employment, education and specialization, recognition of diplomas and certificates, social aid, health and pension insurance, income tax concessions, access to market of goods and services, freedom of joining the organizations which are protecting workers or employers rights. Therefore these persons have the right to obtain foreigners ID card, but not the passport which by the Law on travel documents could be issued only to Montenegrin citizens.

Executive Summary of the National Report – Macedonia

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Visa liberalisation has been a high priority for governments in Republic of Macedonia in the last decade. Therefore, extensive efforts have been made especially in the last two years to successfully implement all benchmarks set in the EC 2008 Roadmap. Today, Republic of Macedonia is a leader among the countries of the Western Balkans and the EC has rightfully proposed visa liberalisation for the Republic of Macedonia. The country meets all benchmarks set under all four blocks of the Roadmap. The country is well advanced in the areas covered with block 1 and block 3 and has made significant and continuous progress towards the fulfilment of the benchmarks of those blocks. Furthermore, the implementation of the Readmission Agreement with EC is proceeding smoothly. The Republic of Macedonia has made substantial progress on migration-related issues and generally meets the benchmarks set under the block 2. Apart from the general anti-discrimination law, which is in parliamentary procedure and should be adopted during 2009, the country is well advanced in the areas covered by block 4. General assessments of the fulfilment of the benchmarks set by each block are provided in the text below.

BLOCK 1: Document Security

Republic of Macedonia continues to issue machine readable biometric travel documents in compliance with ICAO and EC standards. The gradual introduction of biometric data, including photo and fingerprints for all citizens is implemented smoothly in accordance with the Action Plan and should be finished by the deadline set for the EU Member States. Furthermore, personalization in the travel document is introduced after the establishment of an appropriate security infrastructure at 16, out of 20 border-crossing points.

The Ministry of Interior is continuously performing anti-corruption training, related to the Anti-corruption Programs. From the beginning of 2009 over 700 border police officers took part in the Anticorruption trainings, from all levels of the border police. These trainings will continue for all employees of the regional centres for border affairs.

Information on stolen/lost travel documents is regularly placed into the central ASF data base in Interpol for stolen/lost travel documents by NCB Interpol Skopje, based solely upon request of the Section for foreigners. There are no problems in implementing this system noted so far.

High level of security of breeder documents and ID cards is ensured and in line with the EU standards. Strict procedures for their issuance are in place and implemented smoothly.

BLOCK 2: Illegal Migration, Including Readmission

In accordance with the National Integrated Border Management Strategy from 2003, all implementing measures have been successfully taken. Legislative, administrative and budgetary measures are in place that secure movement of persons at the external borders, as well as the organisation of the border authorities and their functions in accordance with the Schengen Code. Additionally, equipment and IT technology has been installed at the Border Crossing Points to support full operation of all systems.

Training programmes on ethical codes and anti-corruption were established and conducted for border guards, customs and other officials involved in the border management. Tailored trainings were delivered to border police members based on the MOI Annual Training Plan on anti-corruption, ethics, recruitment and selection systems and the cooperation between the relevant institutions in the area of fight against corruption and organised crime is enhanced.

The Working arrangement for cooperation with FRONTEX was signed on 19 January 2009. Republic of Macedonia adopted and implements the legislation on carriers' responsibility including sanctions.

The legislation in the area of asylum was improved to comply with international standards and the EU legal framework. Major improvements were made in the appeal procedure for asylum seekers, exclusion of the category of persons under humanitarian protection, obligation to define a list of safe countries of origin by the Government. The country has presented a track record of implementation of the improved legislation in this area.

Adequate infrastructure is in place to secure the implementation in particular to strengthen the responsible bodies, and to improve the asylum procedures and reception of asylum seekers. More specifically the capacities of the Asylum Section within MOI were strengthened in organizational, personnel and technical aspects. Furthermore, Training Plan for the police in the area of asylum was elaborated and implemented. Feasibility study on central data base for foreigners (asylum, visa and migration) was elaborated as a preparatory step for its establishment. In the strengthening of the capacities in this area, a special emphasis was given to the Shelter Centre for Asylum Seekers which was strengthened with new employees, technical equipment and increased budget.

A mechanism for the monitoring of migration flows was set up based on the migration profile for the Republic of Macedonia. Data are continuously collected and updated on illegal and legal migration. The Shelter Centre for Asylum Seekers in cooperation with CSOs, national and local institutions started to implement policies and measures for the integration of migrants.

The full body of EU Legislation in the area of Asylum and Migration has been transposed and implemented including inland detection and investigation of organised facilitated illegal migration; admission and stay of third country nationals; rights and obligations for the persons concerned (including family members of third country nationals); and effective expulsion of illegally residing third country nationals from Republic of Macedonia.

BLOCK 3: Public Order and Security

Republic of Macedonia adopted several strategies and action plans in order to increase public order and security. In 2008 and 2009 special emphasis was given on their implementation and adequate financial resources were allocated to support full enforcement, in particular, the 2003 Action Plan for the fight against organised crime. Money Laundering and Financing Terrorism, Trafficking in Human Beings and Drugs Trafficking are the areas where the strategies adopted in 2005 and 2006 are being continuously implemented. The administrative capacity has been strengthened on several levels and legislative measures have been undertaken. The undertaken measures ensure the prevention of financing of terrorism and confiscation of assets of criminals, as well as the making of information on drug seizures and persons involved available at Border Crossing Points. Furthermore, cooperation and information exchange with relevant international bodies in the drug field is strengthened and implementation of the relevant international legislation, as well as GRECO recommendation in these areas is continuous.

In the field of anti-corruption Republic of Macedonia took action so as to improve effectiveness of the State Anti-Corruption Commission in the implementation of the legislation in this field, with special attention dedicated to the Law on prevention of conflict of interests, and the monitoring of the property status of elected and appointed officials. The confiscation measure was introduced, and adequate institutional framework was set up for its implementation.

Judicial cooperation of the Republic of Macedonia with the EU Member States is established and significantly developed. Relations with EUROJUST are developed and go mainly through the EUROJUST Contact Point. The Agreement on Cooperation between the Republic of Macedonia and EUROJUST was signed 28 November 2008 after the formal approval of the Agreement at the Council of Ministers meeting in Brussels. Specific measures have been undertaken to improve the efficiency of judicial co-operation in criminal matters of judges and prosecutors of the EU Member States, but also from countries from the region. Implementation of international conventions on judicial cooperation in criminal matters remains on high level.

Republic of Macedonia has undertaken most of the necessary steps to ensure the efficiency of the law enforcement agencies, and their cooperation. Cooperation between judicial authorities is strengthened and border guards, police, customs officers cooperate on the level of intelligence exchange. This cooperation extends to countries from the region, but also the EU Member States, and covers also signing and enforcement of bilateral and multilateral operational cooperation agreements and sharing on time relevant information, thus enabling the improvement of the operational and special investigative capacity of law enforcement services to tackle more efficiently cross-border crime.

MOI of the RM on 28.10.2008 has adopted the Roadmap for signing the Operational Agreement with EUROPOL and Memorandum of understanding for establishing the secure communication link between the Ministry of Internal Affairs of the Republic of Macedonia and EUROPOL in order to have information exchange. Pursuant to the Action Plan on Implementing the Strategic Agreement and initiation of the negotiations for signing the Operative Agreement with EUROPOL, the EUROPOL Unit in MOI in December 2008 established the Sub-register for Classified information. At the same time, this Unit initiated establishment of channels for strategic cooperation with the Europol Team, competent for the Western Balkan countries as well as with the IMT 4 (Sector for information management of Europol).

The necessary amendments to the Law on Personal Data Protection were passed by the Assembly of the Republic of Macedonia; they are intended to ensure the independence of the Data Protection Directorate. Furthermore, relevant international conventions, such as the Additional protocol of the Council of Europe Convention for the Protection of Individuals with regard to the Automatic Processing of Personal Data have been ratified.

BLOCK 4: External Relations and Fundamental Rights

Republic of Macedonia undertook several activities and measures in order to ensure that freedom of movement of its citizens is not subject to unjustified restrictions, including measures of a discriminatory nature, based on any ground such as sex, race, color, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, membership of a national minority, property, birth, disability, age or sexual orientation.

All international standards have been enshrined and protected with the Constitution of the Republic of Macedonia especially the right to freedom of movement and residence within the state border; the right to leave any country and return to the territory of the state; and the right to nationality. The conditions and circumstances for acquisition of citizenship have been specified and in line with international standards. Furthermore, taking into consideration the special situation with the dissolution of former Yugoslavia, the Macedonian citizenship law specifically regulates the procedures for obtaining citizenship for the citizens of former Yugoslavia in order to avoid apatrids.

The adopted legislation and set up system for access to new travel and identity documents ensure full and effective access for all citizens including women, children, people with disabilities, people belonging to minorities and other vulnerable groups. The full implementation of the mechanisms for access and issuance of identity documents for internally displaced persons and refugees operates smoothly.

Although some progress has been made in the investigations of ethnically motivated incidents by law enforcement officers in the area of freedom of movement, including cases targeting members of minorities, major challenges remain to be addressed. This might be improved with the adoption and enforcement legislation to ensure effective protection against discrimination. The Government has drafted a general anti-discrimination law that has been commented by the Venice Commission and the OSCE/OIDHR but the law has not been adopted yet. The civil society has raised concerns on the quality and the scope of the law that the Government needs to address in the new draft. The law should be adopted by the end of 2009.

Taking into consideration that Republic of Macedonia is a multicultural state, special attention is provided for insurance that constitutional provisions on protection of minorities are implemented. Organization and institutional mechanisms have been established in order to set up a system for systematic observation of the execution of these rights. In order to do so, several new institutions have been established in 2008 and 2009. Additionally, the role of the Ombudsman in this area has been strengthened.

Taking into consideration the special position of Roma in Republic of Macedonia, the government in cooperation with the civil sector and international community has undertaken several measures and activities in order to implement the relevant policies for improvement of their status. Mostly, the achievements have been recorded in the area of education, employment, and housing. The most problematic area remains access to document and citizenship for unrecorded Roma population. Although, some activities have been implemented the effect are still unsatisfactory and several thousands of Roma remain unregistered.

Executive Summary of the National Report – Serbia

Prepared by:
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Group 484

The issue of placing the Republic of Serbia on the positive EU visa regime has been preoccupying the public attention for a long time. The general impression is that both Serbia and EU representatives have started to believe that it is necessary to undertake all required steps so that Serbian citizens can travel to the Schengen countries without visas in the nearest future.

However, the road to the so called white Schengen list is a complex process where state organs have to show readiness to fulfil basic legal and technical criteria imposed by the Council of Europe Regulation No. 539 of 2001, and clearly defined by the European Union Plan for the Liberalisation of the Visa Regime with the Republic of Serbia (Road Map)

BLOCK 1: Document Security

In regards to travel documents, the National Assembly of the Republic of Serbia adopted the Law on Travel Documents¹, which entered into force on October 9, 2007. For the first time in Serbian history, the Law has introduced a biometric travel document for the purpose of protection and security of travel documents. The Law encompasses standards imposed by the EU regulations and standards of the International Civil Aviation Organisation (ICAO), which stipulate that by 2010 all countries must introduce travel documents with integrated photograph and mechanically readable zone.

In the period between 7 July, 2008 and 31 October, 2009, more than 1,300,000 biometric travel documents were issued. Regarding the issuance of passports on the old form, we note that as of 1 November, 2008, all police departments and police stations of the Ministry of Interior of the Republic of Serbia, issue only biometric travel documents.

We note that the issuance of new travel documents began as of 3 November 2008, in all diplomatic-consular representations of the Republic of Serbia in the territories of FR Germany, Republic of Austria, Republic of France, Switzerland, Republic of Italy, USA, Great Britain, Kingdom of Sweden and Kingdom of Denmark, the Embassy of the Republic of Serbia in Brussels, Embassy of the Republic of Serbia in Moscow and Embassy of the Republic of Serbia in Pretoria.

In the period from 14 April, 2008 (when the issuance of new identification documents began) until 22 September, 2009, a total of 1,037,303 identification cards were issued in the territory of the Republic of Serbia

On September 15 2009, the Government of the Republic of Serbia **adopted Regulation on the procedure regarding the determination of fulfilment of the prescribed conditions for issuing passports to persons from the Autonomous Province of Kosovo and Metohija**. Necessary changes within the information system have been made aiming at preparation for the beginning of issuance of biometric passports to persons residing in Kosovo and Metohija, and to which Citizenship Certificates were issued by authorities of the Republic of Serbia competent for the area of Kosovo and Metohija, and which do not have residence in the Republic of Serbia. IDPs from Kosovo and Metohija can travel without visas. They obtain their passport in the place of their temporary residence.

BLOCK 2: Illegal Migration, Including Readmission

The improvement in the field of **border management** was made by the adoption of the Law on Border Protection, on October 23, 2008², enforced on April 1, 2009 and completely harmonised with the European standards. The adoption of the Law is important, but in order to reach full effects of this law, all the necessary by-laws should be adopted by November 2009, and all additional conditions for its full implementation should be provided. The Agreement on Cooperation in the Field of Integrated Border Management³ was signed by ministers of the following ministries – Ministry of Agriculture, Forestry and Water Management, Ministry of Interior and Ministry of Infrastructure, and thus one of the main conditions for further implementation of the Strategy was fulfilled.

1 Official Gazette of RS No. 90/07

2 RS Official Gazette 97/08

3 See www.minpolj.sr.gov.yu

With a view to harmonising legal regulations with the regulations of the European Union, the **Law on Asylum**⁴ was adopted in November 2007 and entered into force on April 1, 2008. The Law on Asylum is harmonised with the UN Convention on Status of Refugees from 1951, the Protocol on the Status of Refugees from 1967, the Universal Declaration of Human Rights from 1948, the European Convention on Protection of the Human Rights and Fundamental Freedoms from 1950, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment and Punishment from 1984 and the UN Convention on the Rights of the Child from 1989.

Migration Management Strategy was adopted on July 23, 2009⁵. Competent ministries shall, within three months from adoption of this Strategy, draw up action plans based on which a Common Action Plan will be created. Drawing up of the Action Plan, which will refer to two-year period, is the responsibility of the Commissariat for Refugees. Upon the proposal of the Commissariat, the Government will establish the Common Action Plan within 6 months from the adoption of this Strategy.

The implementation of the **Law on Foreigners**⁶, although adopted last year, in accordance with the provisions from the Law itself, started from April 1, 2009. Therefore, the part of the Proposal for amending Regulation 539-01 referring to effective application of the Law on Foreigners, is not surprising, especially in respect to visa and residence permit issuing, access to the rights of foreigners who have a temporary and permanent residence, sanctions for carriers, return and extradition of foreigners who have an illegal status, statistics on legal and illegal migrations in RS. To the knowledge of Group 484, the adoption of by-laws for implementation of the Law on Foreigners is in progress, as well as further harmonisation of the Serbian visa regime with EU regime, the adoption of which is under the competence of the Ministries of Interior and Foreign Affairs⁷. These two Ministries also perform the supervision over the implementation of the above mentioned Law, each in its own purview.

Recommendation:

The high progress has been achieved and it is necessary to continue full implementation of the adopted legal instruments especially Migration Management Strategy and Law on Foreigners.

BLOCK 3: Public Order and Security

As a condition for a successful fight against organised crime it was necessary to adopt the Strategy for Fighting Organised Crime. The Strategy, whose adoption was the responsibility of the Ministry of Interior, was adopted on March 26, 2009.⁸ The Serbian Government Working Group, with significant support of the OSCE Mission in Belgrade, have developed **Action Plan for Implementation of the National Strategy for Combating Organised Crime**, that was **adopted by the Government of the Republic of Serbia on 24 September 2009**. The National Assembly of the Republic of Serbia adopted necessary laws at its session of 31 August 2009 the following laws: The Law on Amendments of and Supplements to the Criminal Code, The Law on the Amendments of and Supplements to the Criminal Procedure Code, The Law on the Amendments of and Supplements to the Law on Organisation and Competences of the State Authorities in Organised Crime Suppression, The Law on the Amendments of and Supplements to the Law on Enforcement of Criminal Sanctions, The Law on Enforcement of the Prison Sentences for the Organised Crime Criminal Offences.

The Protocol on Police Cooperation between the Ministry of Interior and EULEX was signed and entered into force in mid-September, 2009. Ministry of Interior has appointed a Contact Person, at most senior leadership level- Deputy Director of Police, for cooperation with EULEX. On all control check points at the Administrative line the necessary communication and information infrastructure has been provided. Thus, technical basis has been created for the efficient access by police officers to registers kept in the MoI Single Information System. Simultaneous control and registering of crossings at check points has been enabled, with the use of automatic readers of electronic ID documents.

4 Official Gazette of RS 109/07

5 RS Official Gazette 59/09

6 RS Official Gazette 97/08

7 See RS Official Gazette 59/09, 66/09, 75/09 - rulebooks adopted to date

8 RS Official Gazette 23/09

Of special importance in this field is **the Law on Agency for Fighting Corruption**. This Law foresees the establishment, legal status, competences, organisation and manner of work of the Agency for Fighting Corruption, rules in respect of prevention of conflict of interests in performing public functions and reporting of the property of a person having a public function, procedure and decision making in the case of infringement of this Law, introduction of integration plans, as well as other issues of importance for the work of the Agency.

Recommendation:

The high progress has been achieved and it is necessary to continue full implementation of the adopted legal instruments.

It is very important to improve cooperation between EULEX and Ministry of Interior through full implementation of the existing Protocol.

It is very important that Agency for Fighting Corruption becomes fully operative from the beginning of January 2010

BLOCK 4: External Relations and Fundamental Rights

After intensive debates in public caused by the Law on Prohibition of Discrimination, which was at one moment withdrawn from the adoption procedure, it was eventually passed in March 2009⁹. The Ministry of Labour and Social Policy was in charge of formulating, while the Ministry of Human and Minority Rights was responsible for implementing the Law.

The Law, for the first time, sanctions in a comprehensive way all cases of discrimination and protects especially vulnerable and endangered groups. The Law regulates overall prohibition of discrimination, discrimination forms and cases, as well as practices for protection from discrimination. Important novelty refers to the fact that the Law also establishes the Trustee for Protection of Equality (hereinafter: Trustee), as independent state authority, autonomous in execution of assigned duties.

Recommendation:

It is necessary to continue full implementation of the adopted Law on Prohibition of Discrimination. This Law should be fully implemented regarding LGBT groups.

⁹ RS Official Gazette 22/09

CONCLUSION

These reports show that Western Balkan countries were and are fully convenient to visa liberalisation process. The huge progress has been achieved in fulfilling Roadmap benchmarks. We strongly suggest to the European Commission, European Parliament and EU Council to abolish visa regime to all Western Balkan countries and encourage them to continue necessary reforms.

With support of the European institutions, citizens of Western Balkan countries achieved and will achieve one of the most important European freedoms-freedom of movement. The process of visa liberalisation can not be finished until Bosnia and Herzegovina and Albania get their position on white Schengen list.

Visa liberalisation is just a first concrete step in the WB European integrations. At this moment, we need a clear and univocal message from the European Union, strengthened by the forthcoming implementation of the Lisbon Treaty, which will reaffirm the EU Thessaloniki Summit conclusion.

We need *new energy* which will accelerate enlargement process. The Initiative of Greek Prime minister Jorgos Papandreu for EU accession of Western Balkan countries until the end of 2014 should be supported. New Roadmap, this time for EU integration, should contain transparent benchmarks and time table of the EU accession process.

In 2014 Europe will notify 100 years of the beginning of the First World War which started in Western Balkans. Full membership of Western Balkan countries in 2014 would mean - no more war. One of the most important results of EU existence is peace in Europe. No war for 65 years. Once, when Western Balkan countries enter the EU, there will be no war in South East Europe. Full membership in European Union for Western Balkan countries would mean new beginning with no burden of historical heritage.