

Moving the goalposts?

**A comparative analysis of the visa liberalisation roadmaps for
Kosovo and other Western Balkan countries**

6 July 2012

On 14 June 2012, Kosovo was given a [visa liberalisation roadmap](#) that sets out the reforms and requirements Kosovo has to complete in order to qualify for visa-free travel to the Schengen zone. Four years earlier, in May and June 2008, five other Western Balkan countries – Albania, Bosnia, Macedonia, Montenegro and Serbia - had received similar [roadmaps](#), embarking on a visa liberalisation process that resulted in the lifting of the visa requirement for their citizens. Their five roadmaps were almost identical.

This comparative analysis asks a simple question: is the European Union demanding the same from Kosovo as it did from its neighbours? Are the conditions for visa liberalisation as set out in the visa roadmaps the same? And if there are differences, are there good reasons for them?

Summary of roadmap differences: Kosovo vs. other Western Balkans countries¹

- The Kosovo roadmap requires mostly the same reforms as the earlier roadmaps for Kosovo's neighbours. It is often more detailed, splitting what was one benchmark for other Balkan countries into several benchmarks for Kosovo. As a result, the number of benchmarks is higher. However, other Western Balkan countries had to implement these very same measures as well: they were simply regarded as requirements under one benchmark. This becomes clear if one looks at the [working version of the roadmap that Macedonia received](#), which provides guidelines on the requirements; or if one examines the [European Commission's assessments of progress](#) and the [Commission's letters](#) to the five governments setting out what was still missing. The Commission did not declare a benchmark as reached unless all these actions had been taken.

Conclusion: Even though the number of benchmarks for Kosovo is higher, the EU does not demand more from Kosovo than from its neighbours with regard to the technical requirements. It remains to be seen whether the Commission and member states make any additional demands which the other Western Balkan countries did not have to meet. If they do not, the more elaborate benchmarks actually clarify Kosovo's to-do-list.

- The Kosovo roadmap makes provision for the fact that Kosovo has not been recognised by all 27 (but only 22) EU member states. Kosovo is

¹ Please note that the order of requirements listed in the [Kosovo roadmap](#) has been changed where it did not correspond to the order in the [2008 roadmap for Western Balkan countries](#). The 2008 roadmap was almost identical for all five countries. Where there were differences, this is mentioned here. More information about the visa liberalisation process for the Western Balkans countries can be found at www.esiweb.org/whitelistproject.

"to explore modalities of cooperation" with EU agencies such as Europol, Frontex and Eurojust. As Kosovo is not a member of the United Nations and the Council of Europe, the country is also not asked to ratify and implement relevant international conventions, but to adopt and implement EU legislation based on these conventions. Kosovo is also to "explore avenues of cooperation" with various regional initiatives. Following the agreement on the name to be used in regional meetings that was reached in February 2012 Kosovo should be able to participate in these initiatives. As regards cooperation with the EU agencies, Kosovo will have to demonstrate that it has made efforts to agree on such cooperation.

Conclusion: The lack of agreement among EU member states on Kosovo's status makes some differences in its roadmap unavoidable. Whether this leads to additional hurdles, remains to be seen.

- The Kosovo roadmap envisages "full involvement of the Council and Member States in developing and, if necessary, *amending this roadmap.*"

Conclusion: The possibility of amendments of the roadmap introduces uncertainty in the process and potentially undermines its merit-based basis. Conditionality only works when the criteria are clear and do not change during implementation since this would be moving the goalposts midgame. It is important that the Commission ensures that Kosovo is asked to do no less, but also no more than its neighbours before they received visa-free travel.

- The Kosovo roadmap refers to "reinforced consultation". This means that, "the Commission will fully associate the Council and the Member States to each step of the dialogue through reinforced consultation." Reinforced consultation includes "the full involvement of the Council and Member States in developing and, if necessary, amending this roadmap" (see above); "the full participation of Member State experts in assessing Kosovo's progress in fulfilling the requirements set out in this roadmap"; and "utilising the expertise of EUROPOL, EUROJUST, FRONTEX, EASO, as well as EULEX, in assessing Kosovo's progress in meeting these requirements".

Conclusion: Experts from the member states also fully participated in assessing progress of the other five Western Balkan countries, so this is nothing new. As regards the role of the EU agencies, the other Western Balkan countries had working arrangements with these EU agencies so that they received their advice directly. Nonetheless, the term "reinforced consultation" and the statement that the Commission will "fully associate the Council and member states to each step of the dialogue" make clear that the Council wishes to be more involved in the visa liberalisation process. What is important is how things will be dealt with practically. In the case of the Western Balkan countries, the

Commission had a clear lead to ensure a merit-based, technical process that was strict but fair. This must also happen in relation to Kosovo. At the same time, the Commission must always cooperate with the Council and member states because they alone will decide in the end through qualified majority voting whether the visa requirement for Kosovo is lifted.

- The Commission is to submit regular progress reports so that the Justice and Home Affairs Council can, if it so wishes, discuss progress "at the end of each semester". The Commission is then to take "into utmost consideration the political conclusions of discussions in the Council".

Conclusion: Next to the "reinforced consultation", this is also an indication that the Council wishes to play a more prominent role. At the same time, the wording of this sentence acknowledges that the Commission is in charge of the visa liberalisation process, which is important. It is mandated only "to consider" the Council's views.

- Kosovo is to provide statistical data not only to the Commission, like its neighbours had to, but also to the competent authorities of the member states and EULEX.

Conclusion: This is an additional task for Kosovo, but it should not be too onerous.

- The Commission's progress reports are to include an assessment of the "expected migratory and security impacts of the liberalisation of the visa regime with Kosovo". This has not been the case with Kosovo's neighbours.

Conclusion: There is a high number of asylum seekers in the EU who say they are from Kosovo (9,870 in 2011; this is a great improvement from 14,310 asylum seekers in 2010, and 14,275 in 2009²). However, the *number* of asylum seekers must not become a reason to deny visa-free travel to Kosovars. It is fair, however, to look at the number of *positively decided* applications. If the recognition rate is high, it can indicate human rights problems, which a government can and must tackle. Human rights issues are also requirements under Block 4 of the roadmap. (In 2011, the recognition rate for Kosovars in the EU - refugee status and subsidiary protection - was 4.3 percent, which was higher than the 0.7 percent recognition rate for Macedonians claimants, 1.3 percent for Bosnian applicants and 1.5 percent for Serbian applicants.³)

² Eurostat database, Asylum and new asylum applicants by citizenship, age and sex, Annual aggregated date (rounded), online data code : [migr_asyappctza].

³ Eurostat database, First instance decisions on applications by citizenship, age and sex, Annual aggregated date (rounded), online data code: [migr_asydcfsta].

- The roadmap lists additional “performance indicators” that the Commission will look at. These include the visa refusal rate for applicants from Kosovo; the rate of refused entry into the common Schengen area for Kosovo citizens; the number of Kosovo citizens found to be illegally staying in the territory of one of the Member States; the total number of asylum applications from Kosovo citizens; and the number of rejected readmission applications submitted by a Member State to Kosovo for Kosovo citizens.

Conclusion: Although the visa refusal rate and the number of citizens refused entry to the Schengen zone were also mentioned for the other five Western Balkan countries, in the end they were not taken into consideration. The main reason was the fact that a country cannot do much to influence these rates. This should be no different in the case of Kosovo. The only issue here that is under the control of the government is the number of rejected readmission applications; this was also an indicator for the other Western Balkan countries.

- EULEX is to play “an important role in monitoring, mentoring and advising Kosovo institutions on adopting and implementing the reforms and fulfilling the requirements set out in this roadmap”. No EU body played such a role in the case of the other Western Balkan countries.

Conclusion: In view of EULEX’ mandate and involvement in most areas covered by the roadmap, such a role is natural.

Overall assessment:

The Kosovo roadmap lists more benchmarks than the roadmaps for the other Western Balkan countries, but the requirements are essentially the same. It makes provision for the fact that Kosovo has not been recognised by five EU member states and that it is not a member of the UN and the Council of Europe. This need not make meeting the conditions more difficult for Kosovo.

What is of concern is the possibility of amendments of the roadmap during implementation, which potentially undermines conditionality and the merit-based approach. Kosovo should be given the same strict, but fair process as its neighbours.

Although the ultimate decision to grant visa-free travel rests with the Council and the member states, it is important that, like in the case of the other Western Balkan states, the Commission is in the driver’s seat during the technical process. As long as this is the case, Kosovo policymakers and civil society should be able to learn from the reform experience of Kosovo’s neighbours without concern for the goalposts being moved by the EU during the process.

Detailed Analysis

Previous five Western Balkan countries	Kosovo	Comments
VISA LIBERALISATION WITH [COUNTRY] ROADMAP	VISA LIBERALISATION WITH KOSOVO* ROADMAP * This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence	
I. INTRODUCTION - GENERAL FRAMEWORK A. The General Affairs and External Relations Council in its conclusions of 28 January 2008 welcomed the intention of the European Commission to launch a visa dialogue with all Western Balkan countries and expressed its readiness to further discuss this issue, based on the Commission's Communication on the Western Balkans, with a view to define detailed roadmaps setting clear benchmarks to be met by all the countries in the region in order to gradually advance towards visa liberalisation. The whole process will be closely monitored by the Council and the Commission which will assess the progress by each of the countries concerned and follow the adoption and implementation of the necessary reforms towards the abolition of the visa requirement.	I. INTRODUCTION - GENERAL FRAMEWORK A. The European Union made a political commitment to liberalise the short term visa regime for the Western Balkans, as part of its Thessaloniki agenda announced on 16 June 2003. ⁴ On 10 December 2007, the Council reaffirmed its commitment to the Thessaloniki agenda and invited the Commission to further explore possibilities to promote people-to-people contacts with the Western Balkans. ⁵ On 28 January 2008, the Council welcomed the Commission's intention to launch a visa dialogue with all the countries of the region and expressed its readiness to further discuss this issue, with a view to defining detailed roadmaps setting clear benchmarks to be met by all the countries of the region in order to gradually advance towards visa liberalisation. ⁶ On 7-8 December 2009, the Council underlined that	

⁴ Council conclusions of 16/06/2003

⁵ Council conclusions of 10/12/2007

⁶ Council conclusions of 28/01/2008

<p>The Commission shall regularly report on the implementation of this roadmap to the Council, for the first time before the end of 2008, notably by taking into account input from experts including Member States' experts in the context of the visa dialogue.</p>	<p>Kosovo should also benefit from the perspective of eventual visa liberalisation once all conditions are met and invited the Commission to move forward with a structured approach to bringing the people of Kosovo closer to the EU.⁷</p> <p>On 14 December 2010, the Council reaffirmed that Kosovo would benefit from the perspective of eventual visa liberalisation once all conditions are met; took note of Kosovo's progress in the fields of readmission and reintegration; and took note of the Commission's intention to launch a visa liberalisation dialogue once all conditions are met and the Commission's intention, before launching such a dialogue, to share its assessment with the Council of the fulfilment of such conditions.⁸</p> <p>On 5 December 2011, the Council reaffirmed that Kosovo would benefit from the perspective of eventual visa liberalisation once all conditions are met and without prejudice to Member States' position on status.⁹</p>	<p>Kosovo had to meet preconditions in the fields of readmission and reintegration, as well as border security and management of civil registry systems and issuance of personal documents (see Commission Communication of October 2009). The other five WB countries only had to implement readmission.</p> <p>Reintegration has been a demand of member states such as Germany which wants to return large numbers of Kosovars to Kosovo and faces criticism by human rights organisations. See ESI's report "Isolation Confirmed. How the EU is undermining its interests in Kosovo" from November</p>
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⁷ Council conclusions of 7-8/12/2009

⁸ Council conclusions of 14/12/2010

⁹ Council conclusions of 5/12/2011

	<p>Considering Kosovo’s progress on readmission and reintegration, the Council welcomed the Commission’s intention to carry out the following:</p> <ol style="list-style-type: none"> 1. To launch a visa dialogue with Kosovo, without prejudice to Member States’ position on status, if all conditions are effectively fulfilled; 2. To fully associate the Council and Member States to each step of the dialogue; 3. To present regular reports on Kosovo’s progress in adopting and implementing the appropriate reforms, including on the basis of Member State experts’ reports on the ground. <p>Finally, the Justice and Home Affairs Council discussed on 13 December 2011 the state of Kosovo’s progress in readmission and reintegration.¹⁰</p> <p>B. The Commission has always insisted on sufficient progress in readmission and reintegration as necessary elements to be put in place before launching a visa liberalisation dialogue with Kosovo. With the reforms implemented in 2011, Kosovo made satisfactory progress in establishing a functional policy framework for the reintegration of returnees in Kosovo, as it had already done in the case of readmission.</p>	<p>2010.</p> <p>(2) The Council and member states wish to be more involved.</p> <p>(3) MS experts were also involved in assessment of progress in the case of the other five WB countries, so this is nothing new.</p> <p>Readmission and reintegration as preconditions – see above</p>
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¹⁰ Council conclusions of 13-14/12/2011

	<p>The Commission will continue to monitor and assess, in its regular reports, Kosovo’s progress in enhancing its readmission framework and the effective reintegration of returnees.</p> <p>Against this background, and taking into account the Council’s requirements expressed in various Council conclusions, as well as the result of numerous expert missions and meetings conducted in recent years to verify the fulfilment of requirements relating to the readmission and reintegration of returnees, the Commission launched the visa dialogue with Kosovo on 19 January 2012.</p> <p>C. In the framework of the visa dialogue, Kosovo is requested first to adopt or amend in line with the EU acquis the legislation set out in this roadmap. Kosovo is then requested to fully implement this legislation and all other measures specified in this document.</p>	<p>This is a hint at the two stages in which the visa liberalisation process for EaP countries is divided: a “first legislative phase” during which they have to adopt the necessary legislation and strategies, and a second “implementation phase”. The Commission and Council have to take a decision to move a country to the second stage. This has been avoided for Kosovo, which is positive.</p>
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	<p><u>Reinforced consultation</u></p> <p>The Commission will fully associate the Council and the Member States to each step of the dialogue through reinforced consultation. This will include the following:</p> <ol style="list-style-type: none"> 1. The full involvement of the Council and Member States in developing and, if necessary, amending this roadmap; 2. The full participation of Member State experts in assessing Kosovo’s progress in fulfilling the requirements set out in this roadmap; 3. Utilising the expertise of EUROPOL, EUROJUST, FRONTEX, EASO, as well as EULEX, in assessing Kosovo’s progress in meeting these requirements. 	<p>Among the three elements that make up the “reinforced consultation”, the first is of most concern. It gives the EU (Commission, Council, MS) the possibility to amend the roadmap while it is being implemented. This introduces uncertainty in the process and undermines its merit-based basis. Conditionality only works when the criteria are clear and do not change half-way.</p> <p>Also new is the involvement of EUROPOL, EUROJUST, FRONTEX and EASO in assessing progress, while member state experts (point 2) also participated in progress assessment for the other five WB countries. In the case of the other Western Balkan countries, EU agencies did not provide their expertise in assessing progress, but these countries had working arrangements with these EU agencies so that they received their advice directly. Another Kosovo specificity is EULEX’ role, but given its</p>
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<p>B. When setting up the methodology for the visa liberalisation process, the following elements have to be taken into consideration:</p> <ul style="list-style-type: none"> - the European perspective of the Western Balkan countries; - the political commitment taken by the European Union on the liberalisation of the short term visa for the citizens of all Western Balkan countries as part of the Thessaloniki agenda, which has been confirmed at political level by a series of Council conclusions since 2003 ; - the conclusion by all countries in the region of 	<p><u>Monitoring and reporting</u></p> <p>The Commission will present to the Council and Member States, as well as the European Parliament, regular reports detailing its assessment of Kosovo’s fulfilment of the requirements set out in this roadmap. These reports will address requirements related to readmission and reintegration (Section I) and the different blocks of the visa dialogue (Section II).</p> <p>These reports will draw upon the following sources: information provided by Kosovo; assessment missions undertaken by the Commission and Member State experts to assess Kosovo’s progress in the different blocks of the visa dialogue; and data provided by EUROPOL, EUROJUST, FRONTEX, EASO, as well as EULEX.</p> <p>The Commission’s regular reports will evaluate the following:</p> <ol style="list-style-type: none"> 1. Kosovo’s record in adopting or amending in line with the EU acquis the legislation set out in this roadmap; 2. Kosovo’s record in implementing the legislation and 	<p>involvement in most areas covered by the roadmap, it is natural.</p>
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<p>a Community readmission agreement;</p> <p>- the visa exemption granted to all EU citizens by all Western Balkan countries.</p> <p>As a first concrete step towards improving people to people contacts, the European Community has concluded in 2007 Visa Facilitation Agreements with Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. These agreements are in force since 1 January 2008. The preamble of the visa facilitation agreements includes a clear reference to the commitment of the parties to work towards a visa free travel regime in the future.</p> <p>C. Having in mind the wide range of issues relevant for the visa liberalisation dialogue and the need to establish an adequately secured context for visa free travel, the objective of this exercise is to identify all the measures to be adopted and implemented by the Western Balkan countries and set up clear requirements to be achieved in the near future. The whole process will be divided in four sets of issues to be covered by the dialogue: document security, illegal migration, public order and security as well as external relations items linked to the movement of persons. The dialogue will be tailor-made so as to allow each country to focus reform efforts and address the EU's requirements. The speed of movement towards</p>	<p>all other measures set out in this roadmap; and</p> <p>3. The expected migratory and security impacts of the liberalisation of the visa regime with Kosovo.¹¹</p> <p>On the basis of these regular reports and the Commission Staff Working Papers on post-visa liberalisation monitoring for the Western Balkan countries, the Justice and Home Affairs Council would consider holding a discussion, at the end of each semester, on the progress of this dialogue.</p> <p>The Commission will take into utmost consideration the political conclusions of discussions in the Council.</p> <p>The discussion in the Council would address the</p>	<p>No evaluation of possible migratory and security impacts was required for the other five WB countries. However, the previously high number of asylum seekers from Kosovo explains this provision.</p> <p>The JHA Council might discuss progress “at the end of each semester”, which would mean giving the process high importance.</p> <p>Next to the “reinforced consultation”, this is another indication of the more prominent role that the Council wishes to play. At the same time, the wording of this sentence acknowledges that the Commission is in charge of the visa liberalisation process. It is mandated only “to consider” the Council’s views.</p>
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¹¹ The Commission will continue to monitor and report to the Council and Member States, as well as the European Parliament, on Kosovo’s progress in adopting and implementing the measures and fulfilling the requirements set out in this roadmap, taking into account, inter alia, a set of performance indicators specified in the Final Remarks.

<p>visa liberalisation will depend on the progress made by each of the countries in fulfilling the conditions set.</p> <p>Concerning the structure, the whole dialogue as a part of the overall policy of the EU towards the candidate and potential candidate countries of the Western Balkan, will take place within the framework of the structures of the Stabilisation and Association process. The visa liberalisation process will be conducted by senior officials who could decide to organise technical meetings at expert level for specific items. In the absence of a Stabilisation and Association agreement in place with Bosnia and Herzegovina, reporting on progress made on the issues covered by the visa liberalisation process will be ensured within the framework of the current Reform Process Monitoring structures.</p> <p>D. The whole process will allow the Commission to make a proposal at the appropriate moment to the Council for the lifting of the visa obligation for citizens of Bosnia and Herzegovina, through an amendment of Council regulation 539/2001. On the basis of the Commission's proposal, the Council, after consultation of the European Parliament will decide acting by qualified majority.</p>	<p>following:</p> <ol style="list-style-type: none"> 1. Kosovo's record in adopting or amending in line with the EU acquis the legislation set out in this roadmap; 2. Kosovo's record in implementing this legislation; and 3. The expected migratory and security impacts of the liberalisation of the visa regime with Kosovo. <p>The Commission will also inform the European Parliament, at least once a year, of the progress of the visa dialogue.</p> <p><u>Position on status</u></p> <p>The visa dialogue will be conducted without prejudice to Member States' position on status. Kosovo should endeavour to fulfil the requirements set out in this roadmap in relation to all Member States. Where necessary and/or applicable, Kosovo should use the appropriate channels.</p> <p>D. The following elements ought to be taken into account when establishing a methodology for the visa liberalisation process with Kosovo:</p> <ul style="list-style-type: none"> - The European perspective of the Western Balkans, shared by Kosovo; - The political commitment made by the European Union, as part of the Thessaloniki agenda, to liberalise the short-term visa regime for the Western Balkans, 	<p>See above.</p> <p>The European Parliament is co-decision maker alongside the Council following the entry-into-force of the Lisbon Treaty, so it must be kept informed.</p> <p>Status issue.</p>
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	<p>which has been confirmed at political level by a series of Council conclusions since 2003;</p> <ul style="list-style-type: none"> - The Council's reaffirmation that Kosovo would also benefit from the perspective of eventual visa liberalisation once all conditions are met and without prejudice to Member States' position on status; - EU citizens' ability to travel to Kosovo without visas. <p><i>(Comment: Readmission Agreement was mentioned in the case of the other WB, instead of the third para.)</i></p> <p>E. Bearing in mind the wide range of issues relevant for visa liberalisation and the need to establish an adequately secured context for visa-free travel, this roadmap seeks to identify the legislation and all other measures that Kosovo needs to adopt and implement and the requirements it needs to fulfil in the short term to advance towards visa liberalisation. The visa liberalisation dialogue will address four sets of issues: document security; border/boundary and migration management; public order and security; and fundamental rights related to the freedom of movement. This dialogue will be tailor-made to allow Kosovo to focus its reform efforts and fulfil the EU's requirements. The pace of movement towards visa liberalisation will depend on Kosovo's progress in adopting and implementing the measures and fulfilling the requirements set out in this roadmap.</p> <p>The visa liberalisation dialogue, as part of the EU's overall policy towards the Western Balkans, will take place within the framework of the Stabilisation and</p>	<p>Same like all other roadmaps and action plans for visa liberalisation</p>
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	<p>Association Process Dialogue. It will be conducted by Senior Officials who may decide to organise technical meetings at expert level for specific items. Progress on the issues covered by the visa liberalisation dialogue will be reported within the framework of the Stabilisation and Association Process Dialogue.</p> <p>The European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), in line with its mandate,¹² will play an important role in monitoring, mentoring and advising Kosovo institutions on adopting and implementing the reforms and fulfilling the requirements set out in this roadmap. Effective cooperation by Kosovo authorities with EULEX, including in discharging its executive mandate, will be essential.</p> <p>F. Once all the requirements set out in this roadmap will have been met, the Commission will present a proposal to the European Parliament and the Council to lift the visa obligation for Kosovo citizens via an amendment of Council Regulation (EC) 539/2001. Without prejudice to Member States' positions on status at the time of its proposal, the Commission would consider proposing to transfer Kosovo from Part 2 of Annex I to the appropriate part of Annex II of this Regulation. This proposal will cover only the holders of biometric travel documents. Pursuant to Article 77(2)(a) of the Treaty on the Functioning of the European Union, the European</p>	<p>No EU body played such a role in the case of the other WB countries. However, given EULEX' mandate and involvement in most areas covered by the roadmap, such a role is natural.</p>
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¹² Council Joint Action 2008/124/CFSP as amended by Council Joint Action 2009/445/CFSP and Council Joint Action 2010/322/CFSP

	Parliament and the Council shall decide in accordance with the ordinary legislative procedure.	
ROADMAP TOWARDS A VISA FREE REGIME WITH [COUNTRY]	ROADMAP TOWARDS A VISA-FREE REGIME WITH KOSOVO	
I. Requirements related to the correct implementation of the Community <i>Visa Facilitation and Readmission Agreements</i>	I. Requirements related to <i>Readmission and Reintegration</i>	Kosovo cannot conclude readmission and visa facilitation agreements with the EU because it has not been recognised by five EU member states. It can still implement readmission (see below), while reintegration replaces the visa facilitation agreement in this section. In the case of the other Western Balkan countries, reintegration was a requirement under Block 2, so this is not a new requirement.
Readmission Agreement [The country] has to take the necessary measures ensuring effective implementation of the Community Readmission Agreement and in particular, the replacement of the previous bilateral agreements or arrangements by the Community readmission agreement, the conclusion of 'implementing protocols' with Member States, the adoption of the measures ensuring that proper infrastructure is in place, in particular sufficient staff, to deal with readmission applications, the respect of the various deadlines set by the Community Readmission agreement, the refusals of readmission applications only	Readmission Kosovo should fulfil the following requirements: <ul style="list-style-type: none"> - Continue implementing the domestic legislation on readmission; - Continue implementing the existing readmission agreements and, where appropriate, conclude new readmission agreements; - Ensure rapid and effective procedures for the identification and return of Kosovo citizens, third-country nationals and stateless persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of one of 	As Kosovo cannot conclude a readmission agreement with the EU due to the fact that five member states have not recognised it, it has implemented a Law on Readmission with the same provisions and concluded bilateral readmission agreements with member states. The individual requirements in

<p>on the grounds provided by the Community Readmission Agreement, the acceptance of the 'EU standard travel document for expulsion purposes', the acceptance of readmission applications for third country nationals/stateless persons.</p>	<p>the Member States and facilitate the transit of persons in a spirit of co-operation;</p> <ul style="list-style-type: none"> - Ensure that readmission procedures, conducted through the appropriate channels, function in relation to all Member States; - Strengthen the capacity of the competent authority to process readmission applications and reduce the number of pending readmission requests; - Ensure that applications for readmission are processed in compliance with domestic data protection requirements; - Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on readmission. 	<p>relation to readmission are therefore slightly different, but the effect should be the same.</p>
<p>Visa Facilitation Agreement</p> <p>[The country] shall closely cooperate with the European Commission to support the EU Member States' implementation of the Visa Facilitation Agreement, ensuring in particular continuous monitoring of all institutions, authorities and bodies involved in [the country] with the implementation of this Agreement, as regards the issuing of invitations, certificates and other documents.</p>	<p>Reintegration</p> <p>Kosovo should fulfil the following requirements:</p> <ul style="list-style-type: none"> - Adopt and implement measures defining the roles and responsibilities of the competent authorities in charge of reintegration, the application and decision-making procedure and beneficiaries' rights and obligations under the reintegration programme; - Implement the reintegration strategy and action plan, with a particular emphasis on reporting and monitoring; the disbursement and decentralisation of the Reintegration Fund; and enhancing the access of returnees, notably those from the Roma, Ashkali and Egyptian minorities, to employment, vocational training and education; - Compile and share in a timely manner with the 	<p>Kosovo cannot conclude a visa facilitation agreement with the EU either (due to the fact that five member states have not recognised it). A strong focus on reintegration has been a demand of member states such as Germany which wants to return large numbers of Kosovars to Kosovo and faces criticism by human rights organisations. However, reintegration was also a requirement for the Kosovo's neighbours under Block 2. See ESI's report "Isolation</p>

	competent authorities of Member States, the European Commission and EULEX detailed statistics on the reintegration of returnees.	Confirmed. How the EU is undermining its interests in Kosovo ” from November 2010.
II. Requirements on Document Security, Illegal Migration, Public Order and Security and External Relations	II. Requirements related to Document Security; order/Boundary and Migration Management; Public Order and Security; and Fundamental Rights related to the Freedom of Movement	
Block 1: Document Security	BLOCK 1: Document Security	
Passports/travel documents, ID cards and breeder documents	Personal travel documents, ID cards and breeder documents	
[The country] should:	Kosovo should fulfil the following requirements:	
(Continue to) issue machine-readable biometric travel documents in compliance with ICAO and EC standards and gradually introduce biometric data including photo and fingerprints;	Issue machine-readable biometric personal travel documents in compliance with International Civil Aviation Organisation (ICAO) standards and EU standards for security features and biometrics in travel documents ¹³ and endeavour to explore possible avenues of cooperation, through the appropriate channels, with the ICAO Public Key Directory;	Status issue. Kosovo is not a member of ICAO. In all such and similar cases, the roadmap recommends to Kosovo “to explore possible avenues of cooperation”. It will be crucial that Kosovo undertakes efforts in this direction, even if they fail in the end.
(Adopt and) implement appropriate administrative	<ul style="list-style-type: none"> Adopt and implement measures ensuring the integrity 	Elaboration of the same

¹³ Regulation on standards for security features and biometrics in passports and travel documents issued by Member States (Regulation 2252/2004 as amended by Regulation 444/2009)

structures ensuring the integrity and security of the personalisation and distribution process / (Serbia: adopt appropriate...etc.);	and security of the civil status and civil registration process, including the integration and linking of the relevant databases and the verification of scanned data against the civil status database, paying particular attention to the amendment of individuals' basic personal data; <ul style="list-style-type: none"> • Adopt and implement measures ensuring the integrity and security of the document application, issuing and distribution process, particularly as concerns personal travel documents and ID cards, including biometric ID cards; 	benchmark.
	Provide samples and specimens of all valid personal travel documents to the competent Member State authorities and EULEX, communicating any changes introduced to such documents;	Kosovo is a young state and several passports are in use, which must be disseminated to the border services all over the world.
Establish training programmes and adopt ethical codes on anti-corruption targeting the officials of any public authority that deal with visas and passports;	Conduct training programmes on anti-corruption and establish an ethical code for officials involved in the civil registration, document application and distribution process;	
[Report to the Interpol/LASP database on lost and stolen passports] <i>(Comment: square brackets are in the original roadmap for Macedonia, but not in the other roadmaps);</i>	Report to the Interpol LASP database, through the appropriate channel, on stolen or lost personal travel documents;	Status issue. Kosovo is not a member of Interpol. The information is provided to Interpol through UNMIK/EULEX.
	Strengthen the capacity of the civil registration agency to carry out its tasks;	
Ensure a high level of security of breeder documents (Albania: including the civil registry) and ID cards and	Adopt and implement measures ensuring the integrity and security of breeder documents, notably civil status	

define strict procedures surrounding their issuance.	certificates, and ID cards, including biometric ID cards; define and implement strict procedures for their issuance;	
	Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on the number of personal travel documents and ID cards, including biometric ID cards, issued.	The other five WB countries reported only to the Commission, while Kosovo will have to report to “three masters”, which is an additional task for Kosovo.
Block 2: Illegal Migration including Readmission	BLOCK 2: Border/Boundary and Migration Management	
Border management	Border/boundary management	
[The country] should: <u>Bosnia and Herzegovina only:</u> Adopt and implement an updated National Integrated Border Management Strategy and Action Plan with clearly defined responsibilities of border management; <u>All:</u> (Adopt and) implement (the) legislation governing the movement of persons at the external borders as well as (the) legislation on the organisation of the border authorities and their functions in accordance with... Albania: the National Strategy of Integrated Border Management (NSIBM) and its Action Plan, adopted in September 2007) / Bosnia and Herzegovina: the updated National Integrated Border Management Strategy / Macedonia: the 2003 National Integrated Border Management Strategy / Montenegro: the Action Plan on	In cooperation with EULEX and KFOR, Kosovo should fulfil the following requirements: <ul style="list-style-type: none"> • Align with the EU acquis¹⁴ and implement legislation on integrated border/boundary management (IBM), including new legal provisions on inter-agency cooperation between the competent authorities involved in IBM; • Implement the existing bilateral border/boundary management agreements and, where appropriate, conclude new border/boundary management agreements; • Implement in a co-ordinated manner with the other party the Technical Protocol for implementation of the IBM Agreed Conclusions of the Dialogue of 2 December 2011; 	Kosovo is not asked to do anything different from what the other five WB countries had to do (IBM), but its specific situation (border with Serbia, which does not recognise it; December 2011 IBM agreement with Serbia; border with Montenegro in the process of being delineated) make somewhat different actions necessary.

¹⁴ Notably the Schengen Borders Code (Regulation 562/2006), the Frontex Regulation (Regulation 2007/2004 as amended by Regulation 1168/2011), the Local Border Traffic Regulation (Regulation 1931/2006), the VIS Regulation (Regulation 767/2008) and the Community Code on Visas (Regulation 810/2009).

<p>the implementation of the Strategy on Integrated Border Management, which was adopted in December 2006 / Serbia: the Serbian National Integrated Border Management Strategy adopted in January 2006;</p>	<ul style="list-style-type: none"> • Endeavour to complete, in a co-ordinated manner with the other party, the delineation of the border/boundary with Montenegro; - Adopt and implement a new IBM strategy and action plan;¹⁵ 	
<p>Take necessary budgetary and other administrative measures ensuring efficient infrastructure, equipments, IT technology at the external borders;</p>	<ul style="list-style-type: none"> • Improve border/boundary control (checks and surveillance) at and between all border/boundary crossing points, notably through enhanced risk analysis and criminal intelligence, to ensure a check on persons, vehicles and goods crossing the border/boundary and effective surveillance between all border/boundary crossing points; • Where appropriate, establish joint border/boundary crossing points for co-ordinated checks and surveillance on persons, vehicles and goods crossing the border/boundary, including through stationary and mobile units and co-ordinated monitoring and patrol operations; • Enhance the prevention, detection and investigation of serious cross-border/boundary crime, notably trafficking in human beings, facilitated irregular migration, trafficking in drugs and precursors, trafficking in weapons and crimes committed by mobile itinerant criminal gangs, by exchanging with the competent law enforcement authorities of Member States and third countries, in line with domestic data protection requirements and through the appropriate channel, the necessary strategic and 	<p>Although this list is long, the other five WB countries had to do the same. If these things were not done, the Commission requested them in its follow-up letters and assessments of progress. See Commission assessments of progress.</p>

¹⁵ This should be in line with the EU IBM concept, as defined in the Council conclusions of 4-5 December 2006 and further described in the Schengen Catalogue on External Borders Control, Return and Readmission.

	<p>operational information and criminal intelligence;</p> <ul style="list-style-type: none"> • Strengthen the capacity of the domestic co-ordination centre to coordinate operational cooperation between all domestic authorities involved in IBM, including border surveillance; • On the basis of new legal provisions, enhance inter-agency cooperation between all competent authorities involved in IBM and strengthen their capacity to discharge their duties in an effective and impartial manner; • In line with domestic data protection requirements, improve the access of all competent authorities involved in IBM to the existing border/boundary management system and data processed by the domestic co-ordination centre; • Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on border/boundary control measures, including the number of co-ordinated monitoring and patrol operations; 	<p>The other five WB countries reported only to the Commission, while Kosovo will have to report to “three masters”, which is an additional task for Kosovo.</p>
<p>Establish training programmes and adopt ethical codes on anti-corruption targeting border guards, customs and other officials involved in the border management;</p>	<p>Conduct training programmes on anti-corruption and the fight against organised crime and establish an ethical code for officials involved in IBM;</p>	
<p>Conclude a working arrangement with FRONTEX.</p>	<p>Explore modalities of cooperation with FRONTEX.</p>	<p>Status issue. EU member states, which are represented on Frontex’ Management Board, must agree to cooperation with Kosovo. In all such and similar cases, the roadmap recommends</p>

		to Kosovo “to explore possible avenues of cooperation”. It will be crucial that Kosovo undertakes efforts in this direction, even if they fail in the end.
Carriers’ responsibility	Carriers’ responsibility	
<u>All except Bosnia and Herzegovina</u> : (Adopt and) implement legislation on carriers’ responsibility (defining sanctions) / <u>Bosnia and Herzegovina</u> : Implement the Law on Movements and Stay of Aliens and Asylum of 2008, which defines carriers’ responsibility defining sanctions.	Kosovo should fulfil the following requirements: Adopt and implement measures defining the liability of carriers, including financial penalties, to return third-country nationals who do not meet the conditions of entry to Kosovo.	
Asylum policy	Asylum (<i>Comment: In the Kosovo roadmap, Migration Management comes first, followed by Asylum, but here it is switched around in line with the roadmap for the other five countries for better comparison</i>)	
[The country] should: <u>All except Bosnia and Herzegovina</u> : (Adopt) and implement the legislation in the area of asylum in line with international standards (1951 Geneva Convention with New York Protocol) and the EU legal framework and standards / (<u>Bosnia and Herzegovina</u> : Implement the Law on Movements and Stay of Aliens and Asylum of 2008, which is in line with international standards (1951 Geneva Convention with New York Protocol) and the EU legal framework and standards;	Kosovo should fulfil the following requirements: Align with the EU acquis ¹⁶ and implement legislation on asylum;	As Kosovo is not a UN member, it cannot ratify the 1951 Refugee Convention and its protocol. However, EU legislation implements these instruments, so if Kosovo implements this legislation, it will have automatically implemented the provisions of the Refugee Convention.

¹⁶ Notably the Directive on reception conditions for asylum-seekers (Directive 2003/9/EC), the Qualification Directive (Directive 2004/83/EC and Recast Directive 2011/95/EU) and the Asylum Procedures Directive (Directive 2005/85/EC).

<p>Provide adequate infrastructure and strengthen responsible bodies, in particular in the area of asylum procedures and reception of asylum seekers.</p>	<ul style="list-style-type: none"> - Strengthen the capacity of the competent authorities to discharge their duties, particularly as concerns reception conditions and asylum procedures; - Improve the existing material reception conditions, documentation and other public services available for asylum-seekers, including persons with special needs; - Ensure the independence and enhance the capacity of the supervisory authority in charge of asylum; - Conduct training programmes on anti-corruption and establish an ethical code for officials involved in asylum policy; - Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on asylum; - Explore modalities of cooperation with EASO. 	<p>Although this list is long, the other five WB countries had to do the same. If these things were not done, the Commission requested them in its follow-up letters and assessments of progress. See Commission assessments of progress.</p> <p>The other five WB countries reported only to the Commission, while Kosovo will have to report to “three masters”, which is an additional task for Kosovo.</p> <p>The issue with EASO is a status issue. EU member states, which are represented on the EASO Management Board, must agree to cooperation with Kosovo. In all such and similar cases, the roadmap recommends to Kosovo “to explore possible avenues of cooperation”. It will be crucial that Kosovo undertakes efforts in this direction, even if they fail in the</p>
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		end.
Migration management	Migration management	
[The country] should: Set up and start to apply a mechanism for the monitoring of migration flows, defining a regularly updated migration profile for [the country] with data both on illegal and legal migration, and establishing bodies responsible for collection and analysis of data on migration stocks and flows;	Kosovo should fulfil the following requirements: Establish and apply a mechanism for monitoring migration flows; define a regularly updated migration profile for Kosovo, with data on legal and irregular migration; and establish a public authority responsible for the collection and analysis of data on migration stocks and flows;	
<u>All except Bosnia and Herzegovina and Montenegro:</u> (adopt and) implement a law on the admission and stay of third-country nationals defining rights and obligations for the persons concerned (including family members of third country nationals) / <u>Bosnia and Herzegovina:</u> implement the Law on Movements and Stay of Aliens and Asylum of 2008, which defines the issues of admission and stay of third-country nationals, defining rights and obligations for the persons concerned (including family members of third country nationals) / <u>Montenegro:</u> adopt and implement a law on foreigners governing the admission and stay of third country nationals, defining rights and obligations for the persons concerned (including family members of third country nationals) and implement the law on registers of	<ul style="list-style-type: none"> • Adopt and implement legislation on legal migration in accordance with the EU acquis;¹⁷ • Adopt and implement legislation on irregular migration in accordance with the EU acquis;¹⁸ • Implement a migration strategy and action plan; revise these documents, if necessary, to ensure effective action; and set clear indicators to measure performance in this field; • Develop a migration database and provide access thereto to all authorities involved in migration management, in accordance with domestic data protection requirements; 	Although this list is long, the other five WB countries had to do the same. If these things were not done, the Commission requested them in its assessments of progress. See ESI's website with Commission assessments of progress.

¹⁷ Notably the Single Permit Directive (Directive 2011/98/EU), the Directive on the conditions of admission of third-country nationals for studies and training (Directive 2004/114/EC), the Directive on admitting third country nationals for research (Directive 2005/71/EC), the Directive on the right to family reunification (Directive 2003/86/EC), the Directive on long-term residents (Directive 2003/109/EC) and the Blue Card Directive (Directive 2009/50/EC).

¹⁸ Notably the Return Directive (Directive 2008/115/EC), the Directive on assistance in case of removal by air (Directive 2003/110/EC) and the Directive providing for minimum standards for sanctions against employers of illegally staying third-country nationals (Directive 2009/52/EC).

permanent and temporary residence including implementing legislation;		
<u>Albania</u> : implement the National Migration Strategy and its Action Plan, adopted in May 2005, including sustainable financial and social support / <u>Bosnia and Herzegovina</u> : adopt and implement a National Returnee Reintegration Strategy, including sustainable financial and social support / <u>Macedonia</u> : adopt and implement the integration policy for migrants including sustainable financial and social support / <u>Montenegro</u> : take measures to ensure the reintegration of returnees, including sustainable financial and social support / <u>Serbia</u> : adopt and implement a National Returnee Reintegration Strategy, including sustainable financial and social support;		Reintegration for Kosovo is dealt with under Section I of the roadmap.
Define and apply a methodology for inland detection, and take measures improving the capacity to investigate cases of organised facilitated illegal migration;	Define and apply a methodology for inland detections and improve the competent authorities' capacity to prevent, detect and investigate trafficking in human beings and the facilitation of irregular migration;	
Ensure effective expulsion of illegally residing third-country nationals from [the country's] territory	Establish an appropriate procedure for the effective expulsion and removal from Kosovo of illegally residing third-country nationals;	
	<ul style="list-style-type: none"> • Conduct training programmes on anti-corruption and establish an ethical code for officials involved in migration policy; • Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on legal and irregular migration flows and stocks; 	Unlike the other five WB countries, Kosovo has to provide anti-corruption training to its officials involved in migration policy. However, this is no issue that makes implementation of the roadmap significantly more difficult.

	<ul style="list-style-type: none"> • Explore avenues of cooperation with regional initiatives on migration, asylum and refugees. 	Here again, Kosovo has to report to three bodies, while the other countries only reported to the Commission; and here again, Kosovo is asked to “explore avenues of cooperation” with regional initiatives since its contested status might be an issue. This should be possible following the February 2012 agreement with Serbia on the name to be used in regional meetings.
BLOCK 3: Public order and security	BLOCK 3: Public order and security	
Preventing and fighting organised crime, terrorism and corruption	Preventing and combating organised crime, corruption and terrorism	
<p>[The country] should:</p> <p><u>Albania</u>: Adopt and implement the draft Strategy to fight organised crime (in particular cross-border aspects) by adopting and implementing an action plan including a timeframe, measures to strengthen institutional capacity and inter-agency coordination and sufficient human and financial resources / <u>Bosnia and Herzegovina</u>: implement the 2006 Strategy to fight organised crime and corruption</p>	<p>Kosovo should fulfil the following requirements:</p> <p>Adopt and implement legislation on the prevention, investigation, prosecution and adjudication of organised crime and corruption, including money-laundering, economic and financial crime, asset confiscation and recovery, as well as terrorist financing, in accordance with the EU acquis,¹⁹ ensuring that amendments to this legislation are reflected in the criminal code;</p>	<p>Although the requirement for Kosovo is more elaborate, it is essentially the same.</p>

¹⁹ Notably the Framework Decision on the fight against organised crime (Framework Decision 2008/841/JHA), the Third Anti-Money Laundering Directive (Directives 2005/60/EC and 2006/70/EC), the Framework and Council Decisions on the freezing and confiscation of proceeds of crime (Framework Decisions 2001/500/JHA, 2003/577/JHA, 2005/212/JHA, 2006/783/JHA and Council Decision 2007/845/JHA), the Council Decision on FIU cooperation (Decision 2000/642/JHA), the Framework Decision on combating fraud and counterfeiting of non-cash means of payment (Framework Decision 2001/413/JHA), the Framework Decisions providing criminal sanctions against euro counterfeiting (Framework Decision 2000/383/JHA as amended by Framework Decision 2001/888/JHA) and the Council Decision on the protection of the euro against counterfeiting (Decision 2001/887/JHA), the Council Decision on Asset Recovery Offices (Decision 2007/845/JHA) and the Framework Decision on corruption

<p>(in particular cross-border aspects) by adopting and implementing the foreseen action plans including a timeframe and sufficient human and financial resources / <u>Macedonia</u>: complete implementation of the 2003 Action Plan for the fight against organised crime (in particular cross-border aspects) and ensure sufficient human and financial resources / <u>Montenegro</u>: ensure efficient implementation of the action plan of the strategy to fight corruption and organised crime (in particular cross-border aspects) notably by strengthening the relevant law enforcement authorities with sufficient human and financial resources / <u>Serbia</u>: implement the strategy to fight organised crime (in particular cross-border aspects) by adopting and implementing an action plan including a timeframe and sufficient human and financial resources;</p>		
<p><u>Albania</u>: adopt and implement the draft Strategy to combat trafficking in human beings as well as an action plan indicating timeframes and sufficient human and financial resources / <u>Bosnia and Herzegovina</u>: adopt and implement an updated National action plan to combat trafficking in human beings and ensure sufficient human and financial resources / <u>Macedonia</u>: implement the 2006 Strategy for Combating Trafficking in Human Beings and the 2006 action plan and ensure sufficient human and financial resources / <u>Montenegro</u>: implement the national anti-trafficking strategy and allocate sufficient human and financial resources to its implementation / <u>Serbia</u>: implement the strategy to combat trafficking in human</p>	<p>Adopt and implement legislation on the prevention, investigation and prosecution of trafficking in human beings, including the sexual exploitation of children, in accordance with the EU acquis;²⁰ ensure proactive investigations and prosecutions of trafficking in human beings, including dissuasive sentences for individuals found guilty of this serious crime; enhance the effectiveness of victim identification;</p>	<p>Although the requirement for Kosovo is more detailed, it is essentially the same.</p>

in the private sector (Framework Decision 2003/568/JHA).

²⁰ Notably the Directive on preventing and combating trafficking in human beings (Directive 2001/36/EC), the Brussels Declaration on preventing and combating trafficking in human beings (Council conclusions of 8 May 2003) and the Directive on combating the sexual abuse and sexual exploitation of children (Directive 2011/93/EU).

<p>beings by adopting and implementing an action plan including a timeframe and sufficient human and financial resources;</p>		
<p><u>Albania</u>: adopt and implement a national strategy for the prevention and fighting of money laundering and financing of terrorism; adopt and implement a law on the prevention of financing of terrorism; ... / <u>Bosnia and Herzegovina</u>: adopt and implement a national strategy for the prevention and fighting of money laundering and financing of terrorism, including necessary legislative measures based on an analysis of existing legislation; ... / <u>Macedonia</u>: implement the 2005 National Strategy to Combat Money Laundering and Financing of Terrorism; adopt and implement a law on the prevention of financing of terrorism; ... / <u>Montenegro</u>: [adopt] and ensure efficient implementation of the anti-money-laundering legislation and the proper monitoring of all financial transactions, including in relation to real estate and inward investment, and strengthen the anti-money laundering directorate and its coordination with law enforcement authorities; ... / <u>Serbia</u>: adopt and implement a national strategy for the prevention and fighting of money laundering and financing of terrorism; adopt and implement a law on the prevention of financing of terrorism; .../ <u>All</u>: implement relevant legislation on confiscation of assets of criminals (including the provisions addressing cross-border aspects)</p>	<ul style="list-style-type: none"> - Conduct proactive investigations of inexplicable wealth; establish a sound anti-money laundering system; and develop and implement a solid system of asset confiscation and management; - Strengthen the capacity of the police and the unit responsible for financial intelligence to conduct in an effective and impartial manner complex investigations of organised crime and corruption, including money-laundering and economic and financial crime; 	<p>Although the requirements for Kosovo are more detailed, they are essentially the same.</p>
<p><u>Albania</u>: implement the 2004-2010 National Strategy</p>	<ul style="list-style-type: none"> - Adopt and implement legislation on the prevention, 	

<p>against Drug Trafficking and National Drug Action Plan; make the information on drug seizures and persons involved accessible at border crossing points; further develop cooperation and information exchange with relevant international bodies in the drug field / <u>Bosnia and Herzegovina</u>: adopt and implement a national drug strategy and national drug action plan; make the information on drug seizures and persons involved accessible at border crossing points; further develop cooperation and information exchange with relevant international bodies in the drug field / <u>Macedonia</u>: implement the 2006 National Drugs Strategy; make the information on drug seizures and persons involved accessible at border crossing points; further develop cooperation and information exchange with relevant international bodies in the drug field / <u>Montenegro</u>: adopt and implement a national drug strategy and national drug action plan; make the information on drug seizures and persons involved accessible at border crossing points; further develop cooperation and information exchange with relevant international bodies in the drug field / <u>Serbia</u>: adopt and implement a national drug strategy and national drug action plan; make the information on drug seizures and persons involved accessible at border crossing points; further develop cooperation and information exchange with relevant international bodies in the drug field;</p>	<p>investigation and prosecution of trafficking in drugs and precursors, in line with the EU acquis;²¹ ensure proactive investigations and prosecutions of this serious crime;</p> <p>- Explore avenues of cooperation with EMCDDA;</p>	<p>Status issue. EU member states, which are represented on the Management Board of the European Monitoring Centre for Drugs and Drug Addiction, must agree to cooperation with Kosovo. In all such and similar cases, the roadmap recommends to Kosovo “to explore possible avenues of cooperation”. It will be crucial that Kosovo undertakes efforts in this direction, even if they fail in the end.</p> <p>While EMCDDA was not specifically mentioned in the roadmap for the other five WB countries, they were required to cooperate with it. See Commission assessments of progress and follow-up letters.</p>
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²¹ Notably the EU Drugs Strategy 2005-2012, the European Pact to combat international drug trafficking –disrupting cocaine and heroin routes (adopted on 3 June 2010), the European Pact against synthetic drugs (adopted on 27-28 October 2011), the Framework Decision on minimum provisions and penalties in the field of illicit drug trafficking (Framework Decision 2004/757/JHA), the Council Decision on information exchange on new psychotropic substances (Decision 2005/387/JHA) and the Regulation on rules for monitoring the trade in drug precursors (Regulation 111/2005).

<p><u>Albania</u>: implement the 2007-2013 National Anti-Corruption Strategy on preventing and fighting corruption. Adopt and implement an Anti Corruption Action Plan, to include a timeframe, as well as measures to strengthen institutional capacity, inter-agency coordination and sufficient human and financial resources / <u>Bosnia and Herzegovina</u>: implement the National Anti-Corruption Strategy and the respective action plan adopted in 2006; adopt and implement measures to strengthen institutional capacity, inter-agency coordination and which provide sufficient human and financial resources to anti-corruption efforts / <u>Macedonia</u>: implement legislation on preventing and fighting corruption and improve effectiveness of the State Anti-Corruption Commission / <u>Montenegro</u>: adopt and implement legislation on preventing and fighting corruption in line with the Action Plan on the light against corruption / <u>Serbia</u>: implement legislation on preventing and fighting corruption including by establishing an independent anti-corruption agency;</p>	<ul style="list-style-type: none"> - Establish effective mechanisms for the prevention of corruption and for the identification and follow-up of corruption risks, including risk assessments in vulnerable sectors; ensure the transparency, integrity and accountability of public administration and elected officials, the detection and removal of conflicts of interests, the verification of public officials' wealth and the transparency of political party financing; - Enhance the effectiveness of the anti-corruption agency; - Conduct training programmes on anti-corruption and organised crime and establish an ethical code for public officials involved in investigating, prosecuting and adjudicating cases of organised crime and corruption; 	<p>-</p>
<p>Implement relevant UN and Council of Europe conventions, as well as GRECO recommendations and other international standards in the areas listed above and on the fight against terrorism.</p>		<p>Kosovo is not a member of the UN and the Council of Europe, so it cannot ratify the mentioned conventions. However, EU legislation has implemented them, this is why all the previous benchmarks include a reference to the need for Kosovo to adopt EU laws.</p>
	<ul style="list-style-type: none"> - Implement strategies and action plans in the fight against organised crime, corruption, trafficking in 	<p>Kosovo already has all these strategies and action plans, the</p>

	<p>human beings, trafficking in drugs and precursors, counter-terrorism, crime prevention and trafficking in weapons; revise these documents, if necessary, to ensure effective action; and set clear indicators to measure performance in these fields;</p> <ul style="list-style-type: none"> - Strengthen the capacity of the police to detect and investigate, prosecutors to prosecute and judges to adjudicate, in an impartial and effective manner, complex cases of organised crime, corruption, economic and financial crime and terrorism; establish a track record of investigations and final court rulings in cases concerning organised crime and corruption, including drug trafficking, trafficking in human beings and money laundering; 	<p>issue is implementation. The other five WB countries had to do the same.</p> <p>The other five WB countries had to do the same, even though it was not mentioned in their roadmap. However, it came up during implementation. See Commission assessment reports and follow-up letters.</p>
	<p>Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on the investigation, prosecution and adjudication of cases of organised crime, corruption and terrorism.</p>	<p>The other five WB countries reported only to the Commission, while Kosovo will have to report to “three masters”, which is an additional task for Kosovo.</p>
<p>Judicial cooperation in criminal matters</p>	<p>Judicial co-operation in criminal matters <i>(Comment: Switched around, in Kosovo roadmap Law Enforcement Cooperation comes before Judicial Cooperation)</i></p>	

<p>[The country] should:</p> <ul style="list-style-type: none"> - Implement international conventions concerning judicial cooperation in criminal matters (in particular Council of Europe Conventions); - Take measures aimed at improving the efficiency of judicial co-operation in criminal matters of judges and prosecutors with the EU Member States and with countries in the region; 	<p>Kosovo should fulfil the following requirements:</p> <ul style="list-style-type: none"> - Implement the existing legislation on international legal cooperation in criminal matters; - Implement the existing agreements on judicial co-operation in criminal matters and, where appropriate, conclude new agreements; - Adopt and implement measures aiming to improve the effectiveness, efficiency and impartiality of judicial co-operation in criminal matters with Member States and third countries; - Implement the technical arrangement with EULEX on mutual legal assistance; - Ensure that judicial cooperation in criminal matters, conducted through the appropriate channels, functions in relation to all Member States; - Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on cases of judicial cooperation in criminal matters; 	<p>Essentially the same.</p> <p>The other five WB countries reported only to the Commission, while Kosovo will have to report to “three masters”, which is an additional task for Kosovo.</p>
<p>Develop working relations with Eurojust mainly through the Eurojust contact point.</p>	<p>Explore modalities of cooperation with EUROJUST.</p>	<p>Status issue. EU member states, which are represented on the College of Eurojust, must agree to cooperation with Kosovo. In all such and similar cases, the roadmap recommends to Kosovo “to explore possible avenues of cooperation”. It will be crucial that Kosovo undertakes efforts in this</p>

		direction, even if they fail in the end.
Law enforcement co-operation	Law enforcement cooperation	
<p>[The country] should:</p> <ul style="list-style-type: none"> • Take necessary steps to ensure efficiency of law enforcement co-operation among relevant national agencies - especially border guards, police, customs officers (<u>Macedonia</u>: through full inter-agency cooperation in the field of intelligence exchange) -, as well as cooperation with the judicial authorities; <u>Albania, Montenegro, Serbia</u>: improve exchange of information between national agencies by setting up an adequate coordination mechanism / <u>Bosnia and Herzegovina</u>: improve exchange of information between national agencies by establishing appropriate and effective coordination mechanisms; 	<p>Kosovo should fulfil the following requirements:</p> <ul style="list-style-type: none"> - Improve coordination, cooperation and the exchange of information and criminal intelligence between law enforcement and judicial authorities, notably the police and the prosecutorial service, to improve Kosovo's track record in investigating and prosecuting cases of organised crime and corruption, economic and financial crime and terrorism; - Implement the existing legislation on witness protection and strengthen the capacity of the police to establish and operate a witness protection programme; - Establish a reliable criminal records database, including on the basis of mutual legal assistance in criminal matters; - Ensure the effective and efficient enforcement of court decisions; 	<p>Although the requirements for Kosovo are more detailed, the other five WB countries had to do the same. See Commission assessments of progress and follow-up letters.</p>
<p>Reinforce regional law enforcement co-operation and implement bilateral and multilateral operational cooperation agreements, including by sharing on time relevant information with competent law enforcement authorities of EU Member States;</p>	<ul style="list-style-type: none"> - Implement the existing agreements on law enforcement cooperation and, where appropriate, conclude new agreements; - Where appropriate, deploy law enforcement liaison officers to Member States and third countries; - Ensure that law enforcement information exchange, conducted through the appropriate channels, functions in relation to all Member States; - Enhance operational cooperation with the law 	<p>Although the requirements for Kosovo are more detailed, the other five WB countries had to do the same. See Commission assessments of progress and follow-up letters.</p>

	<p>enforcement authorities of Member States and third countries, notably by conducting joint investigations and operations;</p> <ul style="list-style-type: none"> - Explore avenues of cooperation with regional initiatives on law enforcement cooperation. 	<p>Here again, Kosovo is asked to “explore avenues of cooperation” with regional initiatives since its contested status might be an issue. This should be possible following the February 2012 agreement with Serbia on the name to be used in regional meetings.</p>
<p>Improve the operational and special investigative capacity of law enforcement services to tackle more efficiently cross-border crime;</p>	<ul style="list-style-type: none"> - Enhance the prevention, detection and investigation of serious cross-border/boundary crime, notably trafficking in human beings, facilitated irregular migration, trafficking in drugs and precursors, trafficking in weapons and crimes committed by mobile itinerant criminal gangs, by exchanging with the competent law enforcement authorities of Member States and third countries, in line with domestic data protection requirements and through the appropriate channel, the necessary strategic and operational information and criminal intelligence; - Improve the intelligence-led investigative capacity of law enforcement authorities to investigate serious cross-border/boundary crime; 	<p>Essentially the same.</p>
<p><u>All except Macedonia</u>: Take the necessary steps to prepare for the conclusion of an operational cooperation agreement with Europol with special emphasis on data protection provisions / <u>Macedonia</u>: Implement the action</p>	<ul style="list-style-type: none"> - Explore modalities of cooperation with EUROPOL; 	<p>Status issue. EU member states, which control Europol’s work and are represented on its Management Board, must agree</p>

plan for the signature of an operational cooperation agreement with Europol;		to cooperation with Kosovo. In all such and similar cases, the roadmap recommends to Kosovo “to explore possible avenues of cooperation”. It will be crucial that Kosovo undertakes efforts in this direction, even if they fail in the end.
	Establish an arrangement with EULEX for the secure, reliable and efficient exchange of strategic and operational information and criminal intelligence necessary for the prevention, detection and investigation of serious crime; implement the existing arrangement with EULEX on the exchange of customs and tax data;	This is a requirement that is specific to Kosovo.
	Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on law enforcement information exchange, joint investigations and joint operations;	The other five WB countries reported only to the Commission, while Kosovo will have to report to “three masters”, which is an additional task for Kosovo.
Protection of personal data	Data protection	
[The country] should: <u>Albania</u> : implement the Personal Data Protection Law, adopted in March 2008 on the protection of personal data and implement its provisions including setting-up of an	Kosovo should fulfil the following requirements: - Align with the EU acquis ²² and implement legislation on the protection of personal data; - Ensure the independence and strengthen the capacity	Essentially the same.

²² Notably the Data Protection Directive (Directive 95/46/EC) and the Framework Decision on the processing of personal data processed in the framework of police and judicial cooperation in criminal matters (Framework Decision 2008/977/JHA).

<p>independent data protection supervisory authority with sufficient financial and human resources / <u>Bosnia and Herzegovina</u>: Implement the Law in Data Protection of 2006 on the protection of personal data including by establishing the Independent Data Protection Supervisory Agency / <u>Macedonia</u>: adopt necessary legislation on the protection of personal data and implement its provisions and ensure the independence of the Data Protection Directorate / <u>Montenegro</u>: adopt necessary legislation on the protection of personal data and implement its provisions including setting-up of an independent data protection supervisory authority / <u>Serbia</u>: adopt necessary legislation on the protection of personal data and implement its provisions including setting-up of an independent data protection supervisory authority;</p>	<p>of the data protection authority; - Conduct training programmes on anti-corruption and establish an ethical code for officials of the data protection authority.</p>	
<p>(Sign,) (ratify and) implement 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.</p>		<p>Kosovo is not a member of the UN and the Council of Europe, so it cannot ratify the mentioned conventions. However, EU legislation has transposed them, this is why the previous benchmark requires Kosovo “to align with the EU acquis and implement legislation on the protection of personal data”.</p>
<p>Block 4: External Relations and Fundamental Rights</p>	<p>BLOCK 4: Fundamental Rights related to the Freedom of Movement</p>	<p>Block 4 is virtually identical in the two roadmaps.</p>
<p>Freedom of movement of [the country’s] nationals</p>	<p>Freedom of movement</p>	
<p>[The country] should: Ensure that freedom of movement of [the country’s]</p>	<p>Kosovo should fulfil the following requirements: Ensure that the freedom of movement of Kosovo citizens</p>	

citizens is not subject to unjustified restrictions, including measures of a discriminatory nature, based on any ground such as sex, race, colour, 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.	is not subject to unjustified restrictions, including measures of a discriminatory nature, based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, belonging to a minority, property, birth, disability, age or sexual orientation.	
Conditions and procedures for the issue of identity documents	Conditions and procedures for issuing identity documents	
[The country] should: Ensure full and effective access to travel and identity documents for all citizens including women, children, people with disabilities, people belonging to minorities and other vulnerable groups;	Kosovo should fulfil the following requirements: Ensure that all Kosovo citizens, including women, children, people with disabilities, persons belonging to minorities and other vulnerable individuals, have full and effective access to personal travel and identity documents, including civil registration;	
Ensure full and effective access to identity documents for (IDPs and) refugees.	Ensure full and effective access to personal travel and identity documents for internally displaced persons, refugees and returnees.	
Citizens' rights including protection of minorities	Human rights and respect for and protection of minorities	
[The country] should: Adopt and enforce legislation to ensure effective protection against discrimination;	Kosovo should fulfil the following requirements: Adopt and implement legislation that provides effective protection against discrimination;	
<u>All except Bosnia and Herzegovina</u> : Specify conditions and circumstances for acquisition of citizenship / <u>Bosnia and Herzegovina</u> : Implement the Law on Citizenship providing conditions and circumstances for acquisition of BiH citizenship;	Ensure that the relevant legislation defining the conditions and circumstances of acquiring Kosovo citizenship is adequately implemented;	
Ensure investigation of ethnically motivated incidents by	Ensure that ethnically-motivated incidents carried out in	

law enforcement officers in the area of freedom of movement, including cases targeting members of minorities;	the area of free movement, including those targeting persons belonging to minorities, are fully investigated;	
Ensure that constitutional provisions on protection of minorities are observed;	Ensure that all domestic provisions on human rights and the protection of minorities are fully respected;	
Implement relevant policies regarding minorities, including Roma.	Adopt and implement measures that enhance the effective integration of persons belonging to the Kosovo Serb, Roma, Ashkali, Egyptian, Bosniak, Turkish and Gorani minorities.	
<u>Final remark:</u>	Final remarks	
(...) Based on the achievements by [the country] of the implementation of the requirements set up in the roadmap, the Commission will assess the situation, taking into account inter alia criteria such as the visa refusal rate for visa applicants and the refusal rate of entry into the common Schengen area for [the country's] nationals. In this context, the decreasing trend of the refusal rate, which should progress towards 3% for visas and 1000 persons per year refused for entry into the common Schengen area, will be used as an indicative reference.	<p>The present roadmap includes a list of reforms to be adopted and implemented by Kosovo so that the visa obligation may be lifted. These reforms are necessary to ensure the freedom of movement in a secure and predictable manner and were developed on the basis of information available at the time of drafting. Should the situation in Kosovo change substantially, the Commission, in reinforced consultation with the Council and Member States, may decide to amend this roadmap.</p> <p>Kosovo will be required to undertake continuous, targeted, information campaigns aiming to clarify the rights and obligations of visa-free travel, including information on rules regulating access to the EU labour market and liability for any abuse of rights under the visa-free regime.</p>	<p>As mentioned before, this is the most critical and worrying provision of the roadmap. Conditionality only works if the criteria are clear and do not change.</p> <p>After the rise in asylum seekers from Serbia and Macedonian following visa liberalisation, all five WB countries had to run such information campaigns. This also became a condition for visa-free travel for Albania and Bosnia.</p>

<p>The country] should also take the necessary measures to allow an efficient implementation of the EU joint actions</p>	<p>The Commission will continue to monitor and report to the Council and Member States, as well as the European Parliament, on Kosovo’s progress in adopting and implementing the measures and fulfilling the requirements set out in this roadmap, taking into account, inter alia, the following performance indicators:</p> <ul style="list-style-type: none"> • The visa refusal rate for applicants from Kosovo; • The rate of refused entry into the common Schengen area for Kosovo citizens; • The number of Kosovo citizens found to be illegally staying in the territory of one of the Member States; • The total number of asylum applications from Kosovo citizens; and • The number of rejected readmission applications submitted by a Member State to Kosovo for Kosovo citizens. <p>A substantial decrease in these performance indicators, over the course of the visa dialogue, will be used as an indicative reference in the Commission’s assessments of the expected migratory and security impacts of the liberalisation of the visa regime with Kosovo, including at the time when the Commission will present its legislative proposal to lift the visa obligation for Kosovo citizens.</p>	<p>Although the visa refusal rate and the number of citizens refused entry to the EU were also mentioned for the other five WB countries, in the end they were not taken into consideration due to the lack of up-to-date data and the fact that a country cannot do much to influence them. It is to be hoped that the same will happen in relation to Kosovo.</p> <p>Kosovo can also not do much to influence the number of asylum applications. It would be fairer to look at the number of granted application since, if high, it would indicate human rights problems, which the government can tackle. (In 2011, the recognition rate – asylum and subsidiary protection - was 4.3%, which is not high, but could also be lower: the recognition rate for Macedonian claimants was 0.7%, for Bosnian 1.3%, and for Serbian 1.5.²³)</p> <p>The only issue that is under the</p>
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²³ Eurostat database, First instance decisions on applications by citizenship, age and sex, Annual aggregated date (rounded), online data code: [migr_asydcfst].

<p>on travel ban.</p>	<p>Kosovo should also take the necessary measures to allow an efficient implementation of the relevant EU Joint Actions on travel bans.</p> <p>Once all the requirements set out in this roadmap will have been met, the Commission will present a proposal to the European Parliament and the Council to lift the visa obligation for Kosovo citizens via an amendment of Council Regulation (EC) 539/2001. Without prejudice to Member States' positions on status at the time of its proposal, the Commission would consider proposing to transfer Kosovo from Part 2 of Annex I to the appropriate part of Annex II of this Regulation. This proposal will cover only the holders of biometric travel documents that were issued in accordance with ICAO and EU standards. Pursuant to Article 77(2)(a) of the Treaty on the Functioning of the European Union, the European Parliament and the Council shall decide in accordance with the ordinary legislative procedure.</p>	<p>control of the government is its response to readmission requests.</p>
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