

VISA LIBERALISATION WITH THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

ROADMAP WITH GUIDELINES ON THE REQUIREMENTS

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.

The Commission shall regularly report on the implementation of this roadmap to the Council, and for the first time before the end of 2008, notably taking into account the input from experts, including Member States' experts, in the context of the visa dialogue

B. When setting up the methodology for the visa liberalisation process, the following elements have to be taken into consideration:

- 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 2003¹;
- the conclusion by all countries in the region of a Community readmission agreement;
- The visa exemption granted to all EU citizens by all Western Balkan countries.

As a first concrete step towards improving people to people contacts, the European Community has concluded in 2007 Visa Facilitation Agreements with

¹ More recently, in the Council conclusions of 18/6/07 and 10/12/07.

all 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.

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 visa liberalisation will depend on the progress made by each of the countries in fulfilling the conditions set.

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. Reporting on progress made on the issues covered by the visa liberalisation process will be ensured within the framework of the relevant structures of the Stabilisation and Association agreement.

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 the former Yugoslav Republic of Macedonia, 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.

ROADMAP TOWARDS A VISA FREE REGIME WITH THE FORMER YUGOSLAV REPUBLIC OF MACEDONIA

I. Requirements related to the correct implementation of the Community Visa Facilitation and Readmission Agreements

A. READMISSION AGREEMENT:

The former Yugoslav Republic of Macedonia 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 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

B. VISA FACILITATION AGREEMENT:

The former Yugoslav Republic of Macedonia 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 former Yugoslav Republic of Macedonia with the implementation of this Agreement, as regards the issuing of invitations, certificates and other documents.

II. Requirements on Document Security, Illegal Migration, Public Order and Security and External Relations

BLOCK 1: Document Security

Passports/travel documents, ID cards and breeder documents:

The former Yugoslav Republic of Macedonia should:

- **continue to issue machine readable biometric travel documents in compliance with ICAO and EC standards and gradually introduce biometric data, including photo and fingerprints;**
 - *report on the issuing of the new travel documents*
 - *specify planning for phasing out of current travel documents*
 - *report on compliance of travel documents with ICAO and EC standards*

→ specify security features contained in travel documents (biometric photo, fingerprints)

- **implement appropriate administrative measures ensuring the integrity and security of the personalisation and distribution process;**

→ report on organisation of personalisation and distribution of travel documents

→ specify administrative measures in place, including control mechanisms to ensure integrity and security of personalisation and distribution of travel documents

- **establish training programmes and adopt ethical codes on anti-corruption targeting the officials of any public authority that deal with visas or passports;**

→ report on establishment of training programmes on anti-corruption

→ specify content and scope of training programmes

→ report on adoption of ethical codes on anti-corruption

- **[report to Interpol/LASP data base on lost and stolen passports;]** - uhaat usb.

→ report on reporting to Interpol/LASP data base

→ specify regularity of reporting lost and stolen passports

- genu name ps ce
page contact point

- **ensure a high level of security of breeder documents and ID cards and define strict procedures surrounding their issuance.**

→ report on procedures for issuance of breeder documents

→ specify security standards of breeder documents

→ report on storage of breeder documents

→ specify security procedures in place

- info on staff
involved, selection of
staff, anti CORP. Training
- problems re categories
of persons.
(minorities)

BLOCK 2: Illegal migration, including readmission,

Border management

The former Yugoslav Republic of Macedonia should:

welcome: FRONTEX
RISK ANALYSIS
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border
POLICE

- **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 the 2003 national Integrated Border Management strategy;**

→ update on progress made in implementing legal and regulatory aspects/ normative acts on movement of persons at external borders taking into account EU best practices/norms

→ report on progress made in implementing the legislation on the organisation/functions of border authorities and its operational effectiveness

→ report on the implementation of the IBM strategy/ action plan and their results, including information on border controls (checks, surveillance, manuals)

- **take necessary budgetary and other administrative measures ensuring efficient infrastructure, equipments, IT technology at the external borders;**

→ report on infrastructure and equipment, including budgetary resources and investment

- interagency cooperation
- coord. w/ colleague security
4/11
UNMIK & KOSOVO (SRAG.)

→ report on IT systems, border data management and communication infrastructure, including budgetary resources and investment
→ outline priorities defined on infrastructure, equipment and IT technology

- **establish training programmes and adopt ethical codes on anti-corruption targeting the border guards, customs and other officials involved in the border management;**
→ report on curriculum and training programmes planned, adopted and delivered
→ specify the (planned) number of border guards, customs and other officials involved in border management trained on ethic values and anti-corruption
- **conclude a working arrangement with FRONTEX.**
→ report on progress made in negotiations on a working arrangement with FRONTEX

Carriers' responsibility

- **the former Yugoslav Republic of Macedonia should [adopt and] implement the legislation on carriers responsibility defining sanctions.**
→ update on progress made in preparing, adopting and implementing the relevant legislation
→ describe monitoring arrangements for implementation of the legislation

Asylum policy

↓ WORKING. UK JOINS AGREEMENT.
WREMI, STATISTICS,
STARTUP SYSTEMS.

The former Yugoslav Republic of Macedonia should:

- **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;**
→ report on progress made in implementing the law laying down the grounds of international protection (including subsidiary protection) in accordance with the 1951 Convention Relating to the Status of Refugees, the 1967 Protocol Relating to the Status of Refugees and taking into account Directive 2004/83/EC
→ report on progress made in implementing procedural rules on examination of applications for international protection taking into account in Directive, 2005/85/EC
→ report on progress made in implementing the provisions defining the rights granted to asylum seekers taking into account Directive 2003/9/EC (including inter alia access to education and access to the labour market)
- **provide adequate infrastructure and strengthen responsible bodies, in particular in the area of asylum procedures and reception of asylum seekers.**
→ report on the establishment of a separate administrative framework devoted to the assessment of the claims for international protection
→ report on the establishment of an independent judicial appeal body (meeting the requirements of an effective legal remedy for claims for international protection)
→ overview of human and financial resources and facilities to meet the needs of asylum seekers (including health care, housing, legal and material assistance)
→ report on appropriate measures to ensure adequate training for the authorities involved in the reception of asylum seekers

→ statistics on asylum trends (application, refusal and acceptance rate)

Migration management

The former Yugoslav Republic of Macedonia should:

- set up and start to apply a mechanism for the monitoring of migration flows, defining a regularly updated migration profile for the former Yugoslav Republic of Macedonia, with data both on illegal and legal migration, and establishing bodies responsible for collection and analysis of data on migration stocks and flows;

→ report on the adequate administrative structure/ mechanism dealing with migration flows

→ overview of human resources for collecting and analysing the available data

→ report on the updating of the migration profile

→ report on (improvement of) data collection methods (including harmonisation of data collection and analysis, accessibility of data to relevant authorities, cooperation with Eurostat and other WB countries and taking into account Regulation 862/2007 on migration statistics)

→ statistics on migration trends, including border crossings, data on residence permits (applications/issued permits, according to the category), data on return, on naturalization and on undocumented migration (apprehension rate)

- adopt and implement the integration policy for migrants including sustainable financial and social support;

→ report on the development and implementation of the policy (outlining priorities and first results)

1. koja e cet. za hrupansite
2. Refugee. na returne

- define and apply a methodology for inland detection and take measures improving the capacity to investigate cases of organised facilitated illegal migration;

→ report on the establishment of an administrative structure/methodology to deal with the detection and investigations of illegal migration, including cooperation between relevant authorities

→ overview of human resources and capacities to detect and investigate illegal migration

→ define a framework enabling cooperation between the authorities and the victims of human trafficking

- 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);

→ update on progress made in implementing the relevant law (outlining first results and aspects such as rules defining conditions of entry and stay for third country nationals for any purposes, rules on rights granted to legally residing third country nationals, rules on conditions for granting a stable, permanent status for third country nationals legally residing for a long time as well as the rights attached thereto and rules on sanctions for persons assisting illegal entry, stay, transit and employment of third country nationals)

- ensure effective expulsion of illegally residing third country nationals from its territory.

→ report on the procedure for returning illegally staying third country nationals

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dali ima problem.

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Ne e JASNA
referenca za
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reg. centar i
organiz. crime depend
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- report on already concluded readmission agreements as well as on the agreements currently under negotiation
- report on facilities allowing the necessary control over the third country nationals awaiting expulsion

Block 3 : Public order and security

Preventing and fighting organised crime, terrorism and corruption

The former Yugoslav Republic of Macedonia should:

- **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;**

→ report on the implemented measures of the action plan and their results

→ statistics of trends in organised crime, including investigations, indictments and convictions

- **implement the 2006 Strategy for Combating Trafficking in Human Beings and the 2006 Action Plan and ensure sufficient human and financial resources**

→ report on the implemented measures of the strategy and action plan and their results

→ statistics of trends in trafficking in human beings, including investigations, indictments, convictions and victims

- **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; implement relevant legislation on confiscation of assets of criminals (including the provisions addressing cross-border aspects);**

→ report on the implemented measures of the strategy and their results

→ overview of human and financial resources used/planned

→ report on implementation of the law on prevention of terrorism financing

→ report on the implementation of the confiscation of assets legislation, including the provisions addressing the cross-border aspects

→ statistics on trends of money laundering and confiscation of criminal assets, including investigations, indictments and convictions

- **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;**

→ report on the implemented measures of the strategy and their results

→ statistics on trends in drug trafficking, including drug seizures, investigations, indictments and convictions

→ report on the accessibility of drugs information at BCPs

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Victims
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→ report on international cooperation and its results (including in the areas of supply and demand)

→ report on alignment with EMCDDA information collection standards

- **implement legislation on preventing and fighting corruption and improve effectiveness of the State Anti-Corruption Commission;**

→ report on implementation of the legislation and its results

→ report on planned measures to strengthen the State Anti-Corruption Commission

→ statistics of trends on corruption, including high level corruption, as well as on investigations, indictments and convictions

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- **implement relevant UN and Council of Europe conventions, as well as GRECO recommendations and other international standards in the areas listed above and on fight against terrorism.**

→ report on the implementation of the UN Convention on Transnational Organised Crime and its 3 Protocols

→ report on the implementation of the UN Convention Against Corruption

→ report on the implementation of the following Council of Europe Conventions: Criminal Law Convention on Corruption; Civil Law Convention on Corruption; Convention on Action against Trafficking in Human Beings; Convention on Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing of Terrorism

→ report on implementation of the GRECO recommendations

→ report on implementation of the standards foreseen in the recommendations of the Financial Action Task Force (FATF);

→ report on implementation of the OECD Convention on Combating Bribery of Foreign Public Officials in International Business.

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Judicial co-operation in criminal matters

The former Yugoslav Republic of Macedonia should:

- **implement international conventions concerning judicial cooperation in criminal matters (in particular Council of Europe Conventions);**

→ report on plans for ratification of the 2nd Add Protocol to the CoE Convention on Mutual Legal Assistance (signed in November 2001)

- **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;**

→ report on implementation/speed of rogatory letters ✓

→ report on effectiveness of extradition procedures, MLA, execution of foreign court decisions, including statistics

→ overview of responsibilities/ human resources

→ overview of relevant training provided

- bilat. dogovori
- reciprocitet

- **develop working relations with Eurojust mainly through the Eurojust contact point.**

→ update on relations with Eurojust

- ekspertizni

Law enforcement co-operation

The former Yugoslav Republic of Macedonia should:

- take necessary steps to ensure efficiency of law enforcement co-operation among relevant national agencies - especially border guards, police, customs officers through full interagency cooperation in the field of intelligence exchange -, as well as cooperation with the judicial authorities;
 - describe the mechanism of inter-agency cooperation
 - steps taken and planned (including timetable) to improve inter-agency cooperation, in particular on an intelligence database, and progress achieved
- reinforce regional law enforcement services 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;
 - report on results of regional law enforcement cooperation
 - report on implementation of operational cooperation agreements
 - report on concrete measures and cases of information exchange with EU Member States and their results
 - describe planned measures to reinforce co-operation (including timetable)
- improve the operational and special investigative capacity of law enforcement services to tackle more efficiently cross-border crime;
 - describe steps taken and planned to improve operational and investigative capacity of law enforcement services, including types of equipments used, training of staff etc.
 - report on results of successful cases where special investigative techniques have been used
- implement the action plan for the signature of an operational cooperation agreement with Europol.
 - report on progress made

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where se radem.
informacije.

Protection of personal data

The former Yugoslav Republic of Macedonia should:

- adopt necessary legislation on the protection of personal data and implement its provisions and ensure the independence of the Data Protection Directorate;
 - update on progress made in preparing, adopting and implementing the necessary legislation in line with the acquis, in particular Directive 95/46/EC
 - update on which data protection legislation is covering automated databases containing personal data in the area of criminal records and state security
 - report on progress related to the supervisory authority and its human and financial resources, training

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Liaison officers
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so
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ne dopravor.

- 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.
- update on progress made

BLOCK 4 External Relations and Fundamental Rights

Freedom of movement of nationals of the former Yugoslav Republic of Macedonia

The former Yugoslav Republic of Macedonia should:

- [ensure that freedom of movement of citizens of the former Yugoslav Republic of Macedonia 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.]

→ report on legal provisions on freedom of movement, including mechanisms for handling incidents/citizens' complaints in areas mentioned above

→ indicate reported cases/difficulties with specific groups

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вопрос. организ,

Conditions and procedures for the issue of identity documents

The former Yugoslav Republic of Macedonia 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;

→ indicate most difficult target groups

→ report on positive actions/specific efforts foreseen for specific target groups

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deal with
them.

- ensure full and effective access to identity documents for [IDPs] and refugees.

→ report on legal arrangements

→ report on procedures in place ✓

→ statistics (number of refugees who applied/ received/refusals and grounds for refusal)

Citizens' rights including protection of minorities

The former Yugoslav Republic of Macedonia should:

- adopt and enforce legislation to ensure effective protection against discrimination

→ overview of legislation in place and planned legislation ✓

→ evaluation of the enforcement of the legislation in place ✓

(possible problems)

Закон. за дискриминација,
админ. capacity за Замановот

- **specify conditions and circumstances for acquisition of citizenship**
 → describe legislation and procedures in place
 → specify rules on dual citizenship and problems related to former Yugoslav citizenship

- **ensure investigation of ethnically motivated incidents by law enforcement officers in the area of freedom of movement, including cases targeting members of minorities;**
 → describe procedures on investigation of incidents
 → provide list of cases
 → outline follow-up of to ombudsman/NGO reports
- } more information
} details

- **ensure that constitutional provisions on protection of minorities are observed;**
 → describe provisions in place
 → describe implementation of the provisions
 → outline follow-up to Council of Europe/NGO/Ombudsman reports
- same una gusto opporden

- **implement the relevant policies regarding minorities, including Roma.**
 → describe legal provisions/policies in place
 → overview of implementation
 → report on the implemented measures of the strategy on Roma and their results
- } Group
UNFO
ZA ROMA

Impressive improvement

Final remark:

The present roadmap includes a list of measures to be taken by the former Yugoslav Republic of Macedonia in view of the lifting of the visa obligation. These measures aim at responding to the needs identified, based on the currently available information. In case of substantial change of the current situation, the Commission could propose a review and re-adaptation of the roadmap.

Based on the achievements by the former Yugoslav Republic of Macedonia 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 refusal rate for visa applicants and the refusal rate of entry into the common Schengen area for nationals of the former Yugoslav Republic of Macedonia. 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. The former Yugoslav Republic of Macedonia should also take the necessary measures to allow an efficient implementation of the EU joint actions on travel ban.

As already mentioned before, on this basis the Commission will consider the possibility to present a proposal to the Council for the lifting of the visa obligation, by amending the Council Regulation 539/2001, and, following the procedure laid down in the EC Treaty² for these matters, the Council will on the basis of the Commission's proposal, after consultation of the European Parliament, take a decision acting by qualified majority. Such an amendment could soon cover the holders of travel documents issued in accordance with ICAO and EC standards.

² Article 67.3 and Article 62.2.b.i