

Screening report

Serbia

Chapter 24 – Justice, freedom and security

Date of screening meetings:

Explanatory meeting: 2-4 October 2013

Bilateral meeting: 11-13 December 2013

I. Chapter content

EU policies aim to maintain and further develop the Union as an area of freedom, security and justice. On issues such as border control, visas, external migration, asylum, police cooperation, the fight against organised crime and against terrorism, cooperation in the field of drugs, customs cooperation and judicial cooperation in criminal and civil matters, Member States need to be properly equipped to adequately implement the growing framework of common rules. Above all, this requires a strong and well-integrated administrative capacity within the law enforcement agencies and other relevant bodies, which must attain the necessary standards. A professional, reliable and efficient police organisation is of paramount importance. The most detailed part of the EU's policies on justice, freedom and security is the Schengen *acquis*, which entails the lifting of internal border controls in the EU. However, for the new Member States substantial parts of the Schengen *acquis* are implemented following a separate Council decision to be taken after accession.

II. Country alignment and implementation capacity

This part summarises the information provided by Serbia and the discussion at the screening meeting.

Serbia stated that it could fully accept the *acquis* regarding justice, freedom and security. Serbia pointed out that important parts of the *acquis* in this area had already been transposed. At the same time, Serbia acknowledged that considerable efforts were necessary to comply with and implement the *acquis* in areas such as Schengen, the Visa Information System, police cooperation and judicial cooperation in criminal matters, organised crime, fight against terrorism and cybercrime and in the field of asylum.

II. a. Migration

Serbia stated that migration was regulated by the Law on foreigners (legal migration) and the Law on the Protection of the State Border (irregular migration). Serbia is preparing amendments to the Law on foreigners as well as a draft Law on employment of foreigners. Serbia is implementing a Migration Management Strategy.

With regard to legal migration, Serbia pointed out that the legal framework on family reunification, the status of third-country nationals who are long-term residents and on third country nationals that are researchers and students was partially compatible with the *acquis*. According to Serbia, its legislation is not compatible with the blue card and EU single permit Directives.

According to Serbia, its legislation on irregular migration is partially compatible with the *acquis* and in particular with Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence, Council Directive 2004/81/EC on resident permits for third country nationals victims of trafficking in human beings, Council Directive 2004/82/EC on the obligations of carriers to communicate passengers data and with Council Directive 2008/115/EC on common standards and procedures for returning illegally staying third country nationals.

Serbia considers that its Criminal Code is largely aligned with Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.

With regard to Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals, Serbia stated that its legislation does not have provisions for employers employing irregular migrants but that the labour law has general provisions sanctioning illegal employment. Serbia intends to remedy these shortcomings through the future Law on employment of foreigners which is under preparation.

As regards the legal framework against smuggling of migrants, Serbia has a Law on Migration Management, which provides for programmes of assisted voluntary return of those who reside in the Republic of Serbia irregularly. Serbia is party to the Protocol against the smuggling of migrants by land, sea and air, supplementing the United Nations Convention against Transnational Organised Crime (adopted 15 November 2000). Serbia is implementing a Strategy for Countering Illegal Migration (2009-2014). A new strategy is to be developed in 2014.

Serbia has a readmission agreement with the EU and with 10 third countries. Further readmission agreements are planned with Turkey and Ukraine. According to Serbia, it will not have any difficulties implementing the EU readmission agreements with other third countries. Serbia is also committed to complying with these EU agreements when concluding its own bilateral agreements with third partners in the future. To ensure that readmission works well, Serbia has a Strategy for the Reintegration of Returnees based on the EU Readmission Agreement.

The Commissariat for Refugees and Migration is the central focal point in migration management policies and established a unified system of data and information collection on migratory movements. The labour inspectorate in the Labour Ministry conducts inspections in high risk sectors for employing irregular migrants. The border police and the criminal police are the leading bodies in the fight against irregular migration.

8.573 illegal crossing along the border were detected in 2013, compared to 15.346 in 2012, which represents a decrease of 44%. According to Serbia, its Reception Centre for irregular migrants can host 144 people.

II. b. Asylum

The issue of asylum is regulated primarily by the Law on Asylum. Serbia is a party to the Geneva Convention and its Protocol relating to the status of refugees. Serbia stated that its legal framework was only partially compatible with the *acquis*. Serbia identified following areas that needed to be further harmonised with the EU *acquis*:

- Guarantee access to the asylum procedure in Serbia where a safe third country does not permit the applicant to enter its territory;
- Registration of asylum seekers as such upon submission of an asylum application;
- Age assessment;
- The definition of acts of persecution;
- The definition of actors of persecution;
- Exclusion grounds;
- The definition of ‘safe country of origin’, ‘first country of asylum’, ‘safe third country’, ‘inadmissible application’ and ‘border procedures’;
- The requirement to formally end the procedure in case of implicit withdrawal or abandonment of the procedure;
- Revisiting the rights of beneficiaries of international protection;

Currently, Serbia is not in a position to implement Regulation (EC) No 2725/2000 and Council Regulation (EC) No 407/2002 concerning the establishment of 'Eurodac' for the comparison of fingerprints, nor to implement Council Regulation (EC) No 343/2003 establishing the criteria and mechanisms for determining the Member State responsible for examining an asylum application lodged in one of the Member States by a third-country national ("Dublin" Regulation).

In 2013, Serbia has put in place an electronic biometric database with fingerprints and photos operated by the Ministry of Interior. Also the Asylum Office in the Ministry of Interior (3 staff members in practice while 11 positions are foreseen) has a database collecting administrative data related to the asylum application (file number, name of applicant). According to Serbia, the fingerprint data collected are converted into an electronic form compatible with Eurodac specifications.

Serbia has seen a substantial rise in the number of irregularly arriving migrants expressing their intention to apply for asylum (77 in 2008 compared to over 5.066 in 2013, and more than 900 in January 2014) and stated that its accommodation and administrative capacity is insufficient. Asylum seekers are currently received in five open reception centres. The asylum centre located in Banja Koviljača is the only state-owned property. It exists since 2008 and has a capacity of 95 places. It is intended to be specialised for the reception of unaccompanied minors. The asylum centre in Bogovdja was established in 2011 and is rented from the Red Cross of Belgrade. It has a capacity of 160 persons. The three asylum centres of Obrenovac (100), Sjenica (100) and Tutin (100) were opened in the course of winter 2013 and are all temporary. Obrenovac centre is a rented State hotel from the Company SAVA-TENT, while the facilities of the two other centres are operating through service contract with the local municipalities. The Commissariat for Refugees and Migration is in charge of the accommodation and living conditions of asylum seekers, while the Ministry of Labour, Employment and Social Policy is responsible for asylum seekers with special needs and the Ministry of Healthcare is in charge of medical care for asylum seekers with medical needs.

The institutions responsible for asylum procedure are the Asylum Office in the Ministry of Interior, the Asylum Commission and the Administrative Court. The Asylum Office in the Ministry of Interior is the "first administrative instance". This is the authority that processes the applications, conducts interviews and takes a decision. It is currently within the Border Police Directorate and remains to be established on a permanent basis. An administrative appeal may be lodged within 15 days after the first administrative instance decision before the Asylum Commission. The Asylum Commission is an independent body currently composed of officials of various ministries and lawyers. The Commission needs to render its decision within 2 months from the date of submission of the appeal. Appeals against its decisions can be tabled within 30 days and be heard by the Administrative Court. In 2013, the status of refugee was granted in two cases (Turkish citizens); subsidiary protection was granted in two cases (Syrian citizens). Besides that, there were 13 negative decisions, 8 of which were based on the "safe third country" clause and 5 of which were refused because it was found that applicants did not meet the criteria for being granted any kind of international protection.

The exact backlog (of pending applications) is difficult to determine as the asylum seekers are not properly registered at the early stages of the procedure before leaving Serbia as the vast majority of persons does. Serbia cannot terminate procedures in case of implicit withdrawal/abandonment of those persons who leave Serbia after having been properly registered. In such cases the procedure is "suspended".

II. c. Visa policy

The main legislative framework governing the Serbian visa regime is the law on Foreigners, complemented by the Regulation on more specific conditions for denial of entry to foreigners entering the Republic of Serbia, a Bylaw on visas, a Bylaw on rules regarding more specific conditions and methods of visa issuing at border crossing points, an Instruction for visa application processing within the Visa Information System (VIS), a VIS User Guide and VIS Technical Guide. According to Serbia, its visa policy and regime is only partially aligned with the EU *acquis*. For example, nationals of Cuba, Kazakhstan, Belarus, Ukraine, Turkey and Russia are exempted from visa obligations, which is not in line with the *acquis*.

Serbia has 88 diplomatic and/or consular missions abroad issuing visas. Serbia has so far signed 1 bilateral agreement on mutual representation and issuance of visas, namely with Montenegro (in this case Serbia is issuing visas on behalf of Montenegro).

Serbia also stated that it partially complied with EU standards for security features and biometrics in passports and travel documents. According to Serbia, Serbian passports are produced in accordance with the International Civilian Aviation Organisation and to a large extent with EU standards. Serbia states that the Serbian visas are fully harmonised with the provisions in Council Regulation 1683/1995 laying down a uniform visa format.

Serbia stated that its legislation is partially aligned with EC Regulation 810/2009 (Visa Code) as well as with Council Regulation (EC) No 1030/2002 of 13 June 2002 laying down a uniform format for residence permits for third-country nationals as amended.

In the context of the future accession to the Schengen area with regard to visas issued at the border, Serbia stated that these were issued only in exceptional cases (medical emergencies, humanitarian aid and for personal and professional reasons such as for sport teams). In exceptional cases, expired visas can also be extended at the border. Serbia issued at its borders 204 visas in 2012 and 461 visas in 2013 (2,5% of the total number of visas issued).

In view of the need to implement the Visa Information System (VIS), Serbia pointed out that it has an electronic visa issuing system through a connection between the Ministry of Foreign Affairs, the Ministry of Interior and its consular posts abroad. According to Serbia, connecting to the VIS would require limited further technical and legal adaptations as well as limited additional costs.

II. d. External borders and Schengen

External borders

The Law on state border protection is the main legal basis for the control of Serbia's borders. Serbia states that its legal framework is partially compatible with the *acquis*.

Since 2006 Serbia is implementing an Integrated Border Management Strategy and Action Plan which is not entirely in line with the 2006 EU concept on integrated border management. The Agreement on cooperation in integrated border management was signed between the Ministries of Interior (border police), Finance (customs), Agriculture, Forestry and Water Management (veterinary and phytosanitary inspection) and Infrastructure (port authorities). Serbia also states that it needs to develop a joint risk analysis capacity.

According to Serbia it needs more capacity to ensure control of external borders to meet EU standards. Not all the border crossing points (BCPs) are yet connected to the Interpol database (so far 65% of the BCPs representing 95% of the total cross border traffic are connected). All major border crossing points are equipped with passport scanners, licence plates cameras, video

surveillance and fingerprint scanners. According to Serbia, a further modernisation of equipment at BCPs and more training of staff is needed. Serbia opened one new BCP with Hungary in 2013. The opening of two more BCPs is under discussion with respectively Hungary and the former Yugoslav Republic of Macedonia (fYRoM). Furthermore, only a handful of border crossing points with third states have been opened under the freedom of movement arrangements agreed on 4 July 2011 with Kosovo*.

With respect to border traffic across alternative roads, Serbia stated that together with Bosnia and Herzegovina it will establish an operative task force with the assignment to identify and later take measures for demolishing such crossings or putting physical barriers. Similar steps are expected along the administrative border/boundary line between Kosovo and Serbia. Serbia signed a number of border agreements with most of its neighbours with the aim of enhancing border control: there are joint patrols on the common borders with Montenegro, Bulgaria, fYRoM, Hungary and Croatia. There are joint border controls at the border with fYRoM and joint contact centres were established with Croatia and Bulgaria. An Agreement on integrated border management (IBM) with Kosovo has been subject to specific work arrangements, including with the European Union Rule of Law Mission¹ (EULEX) leading to the establishment of six interim crossing points, and further steps have started to be taken under the implementation of the agreement on IBM of 2 December 2011. Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention is not fully implemented (suspended with Croatia).

As regards the fight against corruption at the borders, Serbia stated that the Border Police Directorate is implementing parts of the 2013-2018 National Strategy for the Fight Against Corruption and its accompanying Action Plan. This includes the implementation of a rotation mechanism, the implementation of "the four eyes" principle, video surveillance, unannounced controls and the implementations of provisions in the civil servants and the police law aimed at fostering integrity. Serbia stated that areas where improvements are needed include the vetting system of applicants in the border police, ethics training, awareness raising activities and introducing risk analysis procedures in order to better and faster identify weaknesses.

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence

¹ EULEX was established in 2008 to support Kosovo in the rule of law area. EULEX has both executive (for example in cases dealing with war crimes, fight against high level organised crime and corruption) and advising tasks. Through its expertise in the rule of law, EULEX assists Kosovo on its path towards European integration, including in supporting Kosovo to meet the objectives of the visa liberalisation dialogue and to implement the agreements of the EU-facilitated Pristina-Belgrade Dialogue. The current EULEX mandate expires on 14 June 2014, but will be extended for two years until June 2016.

Serbia signed a working arrangement with the EU border agency — Frontex — in 2009 and it participates as an observer in joint operations organised by Frontex. Cooperation with Frontex is good and Serbia regularly contributes to joint risk analysis work.

Schengen acquis

Serbia stated that its legislative framework was not yet compatible with the Schengen *acquis*. According to Serbia its legislation is fully aligned with Council Directive 2001/51/EC supplementing the provisions of Article 26 of the Convention implementing the Schengen Agreement of 14 June 1985 (laying down the obligations of carriers transporting foreign nationals) and was partially aligned with Council Directive 2004/82/EC on the obligation of carriers to communicate passengers' data.

Preparations in this area were at an early stage. Serbia identified the following actions which will require attention:

- Adopting a Schengen Action Plan, including:
 - Putting in place the technical requirements and architecture to connect with the Schengen Information System (SIS) after accession to the EU;
 - Setting up the SIRENE Bureau and implementing the SIRENE Manual in compliance with the EU data protection rules;
 - Developing further a risk analysis capacity;
 - Adjusting the legal framework to enable effective cross-border police cooperation compliant with Schengen, including hot pursuit, communication channels, etc.

II. e. Judicial cooperation in civil, commercial and criminal matters

Judicial cooperation in civil and commercial matters

The legal framework governing judicial co-operation in civil and commercial matters is governed by the Act on the Organisation of Courts, the Civil Procedure Act, the Rules on Courts, international Treaties signed and ratified by Serbia as well as 23 bilateral agreements, among which 14 with EU Member States.

According to Serbia, its legislation is only partially in line with EU requirements. A new Private International Law Act is under preparation and will ensure full alignment with the Rome I Regulation (on contractual obligations), the Rome II Regulation (on non-contractual obligations), the Council Regulation (EC) No 44/2001 of 22 December 2000 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters as amended, the Brussels I Regulation and the European Enforcement Order for uncontested claims (Regulation 805/2004).

Amendments to several other laws need to be adopted to address the following issues:

- Service of judicial and extrajudicial documents in civil or commercial matters (Regulation 1393/2007);
- Cooperation between the courts of the Members States on taking evidence in civil or commercial matters (Regulation 1206/2001);
- The European Order for Payment procedure (Regulation 1896/2006);

- The European Small Claims procedure (Regulation 861/2007).

As regards mediation, Serbia stated that a new Law on Mediation is under preparation which will align with Directive 2008/52/EC of the European Parliament and of the Council on certain aspects of mediation in civil and commercial matters. An Agency for dispute settlement was established by the Law on Labour Dispute Settlement and deals with labour disputes. Once the new law is adopted, mediators will be trained through special training programmes and magistrates will be trained on the concept of mediation. The number of mediators will be determined by the needs of the market.

Regarding family law, Serbia is a party to the Hague Convention on the civil aspects of international child abduction (1980). Serbia did not yet sign the Hague Convention on private international law on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children (1996), although Serbia is party to the Hague protocol of 23 November 2007 on the law applicable to maintenance obligations.

Serbia stated that its legislation was only partially aligned with the *acquis* in this area, notably on issues such as:

- divorce and legal separation (Regulation 1259/2010);
- jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations (Regulation 4/2009);
- recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility (Regulation 2201/2003).

Serbia stated that alignment would be ensured by means of adopting the new Private International Law Act.

On insolvency, Serbia stated that its legislation was only partially aligned with the *acquis*. Amendments to the Law on Bankruptcy are currently under preparation. Regarding successions, Serbia stated that its legislation is not yet aligned with Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession.

Basic courts, as well as Commercial Courts and Administrative Courts (in respect of requests concerning their jurisdiction) are responsible for implementing the legal framework for judicial cooperation in civil and commercial matters. The Ministry of Justice and Public Administration is responsible for international cooperation in this area. In practice, most cooperation in civil and commercial matters is with Serbia's neighbours. Based on bilateral agreements on mutual legal assistance, Serbian courts communicate directly with courts in Montenegro, fYRoM, Bosnia and Herzegovina (in certain matters).

Since March 2013, the provisions of the IBM agreement with Kosovo on judicial cooperation, including in civil and commercial matters, have provided for a legal framework for mutual legal assistance with over 1,600 requests introduced. The provisions have only received an initial implementation since January 2014 by the Ministry of Justice and Public Administration and require consolidation.

Serbia is preparing to sign the Regional Convention on jurisdiction and the recognition and enforcement of judgements in civil and commercial matters, based on the Lugano and Brussels I Conventions. There is also cooperation with 14 EU Member States through bilateral agreements in the field of judicial cooperation in civil and commercial matters, mainly related to the delivery of court and other documents. In 2013, 6747 requests for international judicial cooperation in civil matters were received (compared to 7762 in 2012).

Judicial cooperation in criminal matters

Judicial cooperation in criminal matters between Serbia and other countries is currently based on the Constitution, the Law on International Legal Assistance in Criminal Matters, 27 bilateral international agreements, the Criminal Procedure Code, the Criminal Code and the Law on the Organisation of Courts.

The competent institution for receiving and sending requests for international legal assistance is the Department for International Legal Assistance in criminal matters in the Ministry of Justice and Public Administration. Courts and the Republic Prosecutor Office are competent to act on requests from international judicial bodies. Serbia has ratified a number of Council of Europe conventions in this field.

With regard to the principle of mutual recognition of judgements in criminal matters, Serbia has signed 8 bilateral agreements, with Austria, Czech Republic, Slovakia, Slovenia, Denmark, Bosnia and Herzegovina, Montenegro and FYRoM. Its legislation is partially aligned with the Council Framework Decision 2008/947/JHA on the mutual recognition of judgements in criminal matters while its legislation is not aligned with the Council Framework Decision 2009/829/JHA on mutual recognition of decisions on supervision measures as an alternative to provisional detention.

As regards mutual legal assistance, the Law on International Legal Assistance in Criminal Matters is partially compatible with the Convention on Mutual Assistance in Criminal Matters between the Member States of the EU and its protocols. Serbia is implementing bilateral agreements on mutual legal assistance with 24 countries and has recently also signed an agreement with Slovenia and Belarus. Amendments to the Law on International Legal Assistance in Criminal Matters will be required to provide for alignment with the formalities and procedures in the execution of the requests for mutual assistance, the sending and service of procedural documents, the transmission of requests for mutual assistance, the temporary transfer of persons held in custody, the hearings by video or telephone conference, joint investigation teams and data protection. Serbia concluded an agreement with the Netherlands on the establishment of Joint Investigation Teams.

Since March 2013, the provisions of the IBM agreement with Kosovo on judicial cooperation, including in criminal matters, have provided for a legal framework for mutual legal assistance with over 1,600 requests introduced. The provisions have only received an initial implementation since January 2014 by the Ministry of Justice and Public Administration and require consolidation. Ad hoc arrangements between EULEX prosecutors and counterparts in Serbian judicial authorities have allowed cooperation in specific files.

With regard to the principle of *ne bis in idem*, Serbia stated that it is regulated by the Constitution (Article 34 of the Constitution), as well as other relevant provisions such as Articles 7(1)(2) of the International Legal Assistance in Criminal Matters Act.

Serbia stated that its legislation was not aligned with the requirements of Framework Decision 2002/584/JHA on the European arrest warrant and extradition procedures. The Law on International Legal Assistance in criminal matters provides for extraditing persons from Serbia to another country, except if he or she is a Serbian national. Extradition of own nationals is only possible in

the context of bilateral agreements. Such agreements have so far only been concluded with Croatia, Montenegro and fYRoM. Serbia also needs to amend its legislation in view of implementing the provisions of the Convention of March 1995 on simplified extradition procedures between the EU Member States.

According to Serbia, its legal framework is only partially aligned with the Convention on driving disqualifications and will require amendments to the Law on Road Traffic Safety.

Serbia stated that as regards detention related instruments, it is party to the Convention on the Transfer of Sentenced Persons (Strasbourg, 21 March 1983) and its protocol. Serbia pointed out that with regard to criminal records, its legislation partially complies with Framework Decision 2009/315/JHA on the organisation and content of the exchange of information extracted from the criminal record between Member States and Decision 2009/316/JHA on the establishment of the European Criminal Records Information System (ECRIS).

In terms of practical judicial cooperation in criminal matters the Serbian Republic Public Prosecution concluded 19 memoranda with competent authorities of other countries, including 10 memoranda with EU Member States. Regarding cooperation with Eurojust, Serbia has appointed a contact person since 2005 (a Deputy Prosecutor General in the Public Prosecutor's Office in Belgrade). Serbia is preparing for concluding a cooperation agreement with Eurojust, for which it needs to meet data protection requirements that will have to be reflected in the future Data Protection Law. Serbia states that it is co-operating with the EJM (European Judicial Network) on an informal basis and is actively participating in existing regional prosecution networks.

Through the implementation of its National Judicial Reform Strategy for the period 2013 – 2018 Serbia plans a number of measures linked to increasing the efficiency of its court system as well as to increase their capacity to deal with cases of international judicial cooperation in civil, commercial and criminal matters.

II. f. Police cooperation and fight against organised crime

Police cooperation

Serbia has been a member of Interpol since 2001. Serbia stressed that it is actively cooperating with Interpol and that it partially complied with Council Common Position 2005/69/JHA on exchanging certain data with Interpol. The International Operational Police Co-operation Department has been set up as part of the police and consists of 61 employees while 85 positions are foreseen. Serbia takes part in several regional police cooperation activities and frameworks. Serbia pointed out that it has 21 international police co-operation agreements with third countries, among which 15 with EU Member States.

Serbia has a strategic cooperation agreement with Europol in place and signed its operational agreement with Europol in January 2014. A secure communication link through Europol's Secure Information Exchange Network Application (SIENA) is already in place. Serbia expressed its intention to send a police liaison officer to The Hague following the signature of the operational agreement with Europol.

Serbia pointed out that its police training centre – the Centre for Specialised Training and Professional Development of the Police - has not yet concluded a formal co-operation agreement with the European Police College (CEPOL).

Regarding cross-border cooperation, Serbia stated that its legislation is partially compatible with Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (the Prüm Decision) and the related *acquis*. According to Serbia

its legislation was partially aligned with Framework Decision 2006/960/JHA (the Swedish Initiative) on simplifying the exchange of information and intelligence between law enforcement authorities of the EU Member States. According to Serbia it follows Interpol standards to handle information requests.

With the exception of direct police cooperation through co-location at the IBM interim crossing points, no arrangement allowing for a normalised police cooperation with Kosovo police is in place. Cooperation with EULEX operates on the basis of a separate arrangement.

On vehicle crime, according to Serbia, its legislation also partially complies with Decision 2004/919/EC on tackling vehicle crime with cross-border implications. Various articles in the Criminal Code tackle aspects of vehicle crime, including insurance fraud and counterfeiting documents.

Regarding security in connection with football matches with an international dimension, Serbia stated that its legislation was fully compatible with Decision 2002/348/JHA as amended by Council Decision 2007/412/JHA. The Department for Monitoring and Suppression of Violence at Sports Events - National Football Information Centre (NFIC) within the General Police Directorate of the Ministry of the Interior operates as a centre for exchange of relevant information on sports events of national and international character and for international police cooperation related to football matches.

The same is applicable to Decision 2002/956/JHA as amended by Council Decision 2009/796/JHA on setting up a European Network for the Protection of Public Figures. The Directorate for security of persons and facilities within the Ministry of Interior is in charge for ensuring protection of dignitaries. Serbia has not yet established a national contact point.

Concerning Decision 2003/170/JHA on the common use of liaison officers posted abroad by the law enforcement agencies of the Member States, Serbia stated that the relevant national legislation is the Law on Police, the Law on Foreign Affairs and the Law on Ministries. Currently, Serbia has police liaison officers detached to 7 countries or international organisations.

Fight against organised crime

The Serbian legal framework for the fight against organised crime is primarily based on the Constitution, the Criminal Code, the Criminal Procedure Code, the Law on organisation and jurisdiction of governmental authorities in suppression of organised crime, corruption and other particularly serious criminal offences, the Law on foundations of regulations of security services of the Republic of Serbia, the Law on police, the Law on security information agency, the Law on military security and military intelligence agency, the Law on protection of participants in criminal proceedings, the Law on seizure and confiscation of proceeds of crime, the Law on the liability of legal entities for criminal offences and the Law on the enforcement of prison sentences for criminal offences of organised crime. According to Serbia, the main institutions responsible for the fight against organised crime are the Ministry of Interior and in particular the Special Service for Suppression of Organised Crime, the Security Information Agency and the Military Security Agency, the Special Department of the High Court in Belgrade and the Appellate Court in Belgrade, courts and Prosecution's Office for Organised Crime. Serbia has a Strategy for Combatting Organised Crime (2009 – 2014) and is implementing an accompanying Action Plan.

Serbia is a party to a range of UN and Council of Europe conventions and protocols related to the fight against diverse forms of crime. Serbia is also party to the Police Cooperation Convention for South East Europe. Serbia stated that its legislation was partially aligned with the Framework Decision 2008/841/JHA on the fight against organised crime.

The responsibility for the fight against money laundering and terrorism financing lies with the Ministries of Interior, Defence, Finance and Justice as well as with the Judicial Authorities and the Security Information Agency. Following the expiry of its previous strategy, Serbia is preparing a new Strategy for the fight against money laundering and terrorism financing. Regarding international co-operation in the field of prevention and fight against money laundering, Serbia states that its legal framework is aligned with Council Decision (2000/642/JHA) concerning arrangements between financial intelligence units of the Member States in respect of exchanging information. Serbia has established a Financial Intelligence Unit (FIU) within the Ministry of Finance, is a member of the EGMONT Group of Financial Intelligence Units and of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MONEYVAL). Serbia also signed 42 memoranda of understanding related to the exchange of financial intelligence data with third countries, 17 of which are with EU Member States.

Concerning economic crime, including fraud, Serbia stated that its legislation was partially aligned with Framework Decision 2001/413/JHA combating fraud and counterfeiting of non-cash means of payment but that it plans full alignment in 2014. According to Serbia its legislation is incorporating the Financial Action Task Force (FATF) recommendations. The leading service for fighting economic crime is the Department for Suppression of Organised Financial Crime (responsible for dealing with the fight against money laundering, corruption and counterfeiting of money) within the Service for Combating Organised Crime in the Ministry of Interior. That same service is hosting since 2009 a Financial Investigations Unit, which according to the Law on Seizure and Confiscation of Proceeds of Crime is in charge of discovering of property derived from criminal offence, and has the exclusive competence to conduct financial investigations in Serbia.

As regards confiscation, freezing of property and financial penalties, Serbia declared that its legislation is largely aligned with the *acquis*. The new Law on the confiscation and seizure of the proceeds from crime was adopted in April 2013. The Law is aligned with Council Framework Decision 2005/212/JHA on confiscation of crime-related proceeds, instrumentalities and property, Council Framework Decision 2003/577/JHA on the execution in the European Union of Orders freezing property or evidence, Council Framework decision 2006/783/JHA on the application of mutual recognition of confiscation orders, Council Framework decision 2001/500/JHA on money laundering, the identification, tracing, freezing, seizing and confiscation of instrumentalities and the proceeds of crime. The law is not yet aligned with Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition of financial penalties. Serbia is aware of Directive 2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union which was recently adopted and to which it will have to align its legislation. (see also Chapter 23 – Judiciary and fundamental rights)

The confiscation, seizure of property and financial penalties is the responsibility of Serbian courts and the Directorate for the Management of Seized Assets, which is a body within the Ministry of Justice and Public Administration. The Directorate will establish two new units in Novi Sad and Nis. The Law on Seizure and Confiscation of the Proceeds from Crime contains provisions on asset management and on international co-operation. The third body of importance in this area is the Financial Investigation Unit in the Ministry of Interior, who co-ordinates the exchange of data related to various financial investigations (see above).

Concerning trafficking in firearms, Serbia has signed and implemented the Protocol against the illegal manufacture and trade in firearms, their parts and components and ammunition. Serbia is preparing a new Law on weapons and ammunition and will roll out a training programme on the new Law for policemen.

As regards trafficking in human beings, Serbia has ratified a number of UN and Council of Europe conventions and protocols. According to Serbia, its legislation is partially aligned with Directive

2011/36/EU on preventing and combating trafficking in human beings and protecting its victims. Since 2006 Serbia has a strategy in place to prevent and fight trafficking in human beings. It is currently working on a new strategy and action plan. In 2002, a National Co-ordinator was appointed within the Ministry of Interior. The State Agency for Co-ordination of Protection of trafficking victims ensures victims' referral to specialized institutions, which would offer medical, social, psychological, and legal specialist services in a safe environment. According to Serbia, its legislation is largely aligned with Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings, who have been the subject of an action to facilitate irregular migration or who cooperate with the competent authorities. The majority of human trafficking cases in Serbia relate to internal trafficking, where both victims and perpetrators are of Serbian origin.

Regarding the sexual exploitation of children, Serbia has ratified the Council of Europe Convention on the protection of children against sexual exploitation and sexual abuse. Serbia stated that its legislation is only to a limited extent aligned with Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children and child pornography. In order to fully transpose the *acquis*, according to Serbia, amendments to the relevant legislation are needed for alignment with all articles of the Directive, except as regards the provision of the Directive dealing with the liability of legal persons. According to Serbia, its legislation is partially aligned with Decision 2000/375/JHA to combat child pornography on the Internet.

Through the Law on the organisation of competencies of government authorities in combatting high-tech crime, Serbia established a special unit responsible for the fight against cybercrime in the Ministry of Interior as well as a Special Prosecutor's Office for the fight against high-tech crime. At the court level (High Court in Belgrade), there is no longer a specialised department. Serbia ratified the Council of Europe Convention on cybercrime and the additional protocol to it. According to Serbia, its legislation is largely harmonised with Directive 2013/40/EU on attacks against information systems. To fully transpose the *acquis*, according to Serbia, legislative amendments are necessary notably with regard to sanctions.

Serbia stated that it does not have a law regulating a DNA database or register as regulated by the 2009 Resolution on the exchange of DNA analysis results (2009/C 296/01). A law in this respect is under preparation. Serbia has introduced the European Standard Set (ESS) and its analysis results (12 markers). Efforts in this area also need to take into consideration the implementation of the Prüm Decision (see above).

With regard to Directive 2006/24/EC on the retention of data generated or processed in connection with the provision of publicly available electronic communication services or of public communications networks and Directive 2002/58/EC concerning the processing of personal data and the protection of privacy in the electronic communications sector, Serbia indicated that the Law on Electronic Communications is partially compliant with the *acquis* (*see also Chapter 23 – Judiciary and fundamental rights*). Serbia has no centralised criminal intelligence system, nor a safe platform for communicating between law enforcement bodies.

Serbia stated that it has a witness protection programme in place.

II. g. Fight against terrorism

Serbia stated that its legislation was largely compatible with the *acquis* on the definition of terrorism, exchange of information and cooperation concerning terrorist offences and the protection of critical infrastructure. Serbia is preparing a new national Strategy and Action Plan on the fight against terrorism.

Serbia underlined that it had ratified all relevant international and Council of Europe instruments on the fight against terrorism.

II. h. Cooperation in the field of drugs

The Serbian legal framework concerning the fight against drugs is based on 4 UN Conventions related to the prevention and fight against drugs and organised crime as well as the Criminal Code, the Criminal Procedure Code, the Law on organization and competence of state authorities in suppression of organised crime, corruption and other very serious criminal offences, the Law on police, the Law on psychoactive controlled substances, the Law on the substances used in the illegal production of narcotics and psychotropic substances and the health records Law. Serbia stated that it was party to the main international and Council of Europe conventions on drugs.

Serbia considers that its legislation was partially aligned with Joint Action 96/750/JHA concerning the approximation of the laws and practices of the EU Member States to combat drug addiction and to prevent and combat illegal drug trafficking. Equally, according to Serbia its criminal code partially includes provisions from Framework Decision 2004/757/JHA laying down the minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking. Serbia intends to revise its Criminal Code in the next two years so as to also include recent developments in the *acquis* in this area.

According to Serbia there is not yet an established mechanism for the exchange of information on the results of chemical analyses of psychoactive controlled substances. Hence, its legislation is not aligned with the Joint Action 96/699/JHA concerning the exchange of information on the chemical profiling of drugs to facilitate improved cooperation between Member States in combating illicit drug trafficking, nor is it aligned with Council Decision 2005/387/JHA on the information exchange, risk-assessment and control of new psychoactive substances. Its Law on Psychoactive Controlled Substances will be revised in the next two years.

As regards alignment with Joint Action 96/698/JHA on cooperation between customs authorities and business organizations in combating drug trafficking, Serbia stated that the Customs Administration has concluded memoranda of understanding with public enterprises and business organisations related to the fight against drugs trafficking, herewith partially transposing this Joint Action.

Serbia has not yet national legislation on the transmission of samples of controlled substances. Also, there is no national contact point designated to supervise such transmission. Hence, Serbia's legislation does not comply with Decision 2001/419/JHA.

Chapter twenty-three of Serbia's Criminal Code deals with offenses against public health. According to Serbia, these provisions are largely aligned with Joint Action 96/750/JHA concerning the approximation of the laws and practices of the EU Member States to combat drug addiction and to prevent and combat illegal drug trafficking.

Serbia stated that it is implementing parts of the Council recommendations regarding guidelines for taking samples of seized drugs, on the prevention and reduction of health related harm associated with drug dependence, on exchange of information and on improved investigation methods and that they have been taken into account when preparing the new Strategy to fight drug abuse (2014 – 2020). Serbia is currently implementing a national Strategy against drugs and an Action Plan covering the period 2009 – 2013.

As regards the institutional capacity, the Ministry of Health deals with prevention and health needs of the population, including manufacturing and dealing of narcotic drugs, psychotropic substances

and precursors. Serbia has established a Commission for Psychoactive Controlled Substances which acts as an inter-departmental body whose members are experts in the field of psychoactive controlled substances and representatives of the Ministries competent in this field. The Ministry of Interior (Criminal police and police divisions throughout the country) and the Organised Crime Prosecutor's Office are the main actors in the fight against drugs trafficking.

Serbia stated that the legal basis for the cooperation with the European Monitoring Centre for Drugs and Drug Addiction EMCDDA is the Article 93 of the Law on psychoactive controlled substances which regulates the international cooperation of the Ministry of Health. The Ministry of Health also cooperates with the REITOX network. The national focal point for co-operation with EMCDDA is, however, not yet fully operational.

Serbia has a list of drugs and of drug precursors. Updates to the list do not have to undergo the full legislative procedure. The list can be updated on the basis of a proposal of the Ministries of Health or Interior. There is so far no early warning system on new psychoactive substances for collecting, managing and sharing information among authorities responsible for the fight against drugs.

Through the implementation of the national strategy, Serbia has deployed a number of actions in the field of demand reduction and prevention of drug abuse, including through awareness raising campaigns in higher education institutions, secondary and primary schools, nursery schools and other places especially interesting for adolescent population.

Serbia acknowledges that a large quantity of seized drugs still has not been destroyed due to alleged environmental concerns and that better solutions have to be found to ensure safe and secure storage prior to destruction.

II. i. Customs cooperation

Serbia stated that its Customs Service had signed agreements with customs authorities of 25 states, 13 of them EU Member States (*see also Chapter 29 – Customs Union*).

Serbia stated that it will initiate the procedure for accession to the Convention on mutual assistance and cooperation between customs administrations (Naples II) upon accession to the EU. Serbia stated that to implement the Convention, it needed to amend its legislation as regards central co-ordination units, special forms of co-operation and to extend the investigation powers of customs.

According to Serbia, its legislation is largely aligned with Decision 2009/917/JHA on the use of information technology for customs purposes. Serbia stated that it has an IT strategy for the Customs Administration covering the period 2011 till 2020, but that it would need to establish an IT database (including digital records of investigations) and extend the IT application to the entire enforcement division in order to comply with Decision 2009/917/JHA.

II. j. Counterfeiting of the euro (*see also Chapter 32 – Financial control*)

According to Serbia the Criminal Code, the Criminal Procedure Code, the Law on responsibility of legal persons for criminal offences, the Law on the National Bank of Serbia, the Law on police, the Law on organisation and competencies of state authorities in suppression of organised crime, corruption and serious criminal offences cover the counterfeiting of money. According to Serbia, its legislation is partially compatible with the Framework Decisions on the protection of the euro, including Framework Decision 2000/383/JHA and Framework Decision 2001/888/JHA. Serbia is not yet party to the International Convention for the suppression of counterfeiting currency (Geneva, 20 April 1929).

With respect to Council Decision 2001/887/JHA, Serbia stated that the National Bank of Serbia performs technical analysis of counterfeit banknotes and coins, generates and processes the information on counterfeit euros, cooperates with the Ministry of the Interior and judicial authorities; and that information collected by the National Bank of Serbia is being reported to Europol through the Ministry of Interior (International Operational Police Cooperation Department). The national central office referred to in Article 12 of the Geneva Convention was established in the Ministry of Interior (Crime Combat Service) and is ready to communicate information to Europol as required by Decision 2001/887/JHA, once the cooperation agreement with Europol is implemented.

According to Serbia its Public Prosecutor's Office and Ministry of Interior staff participated in several events organized by the European Anti-Fraud Office (OLAF) in the framework of the Pericles programme. The National Bank of Serbia signed an administrative cooperation arrangement with OLAF in 2014 and the procedure of entering into a cooperation agreement with the European Central Bank is underway.

III. Assessment of the degree of alignment and implementing capacity

Serbia has demonstrated good awareness of the EU's strategic and policy framework in this area. Serbia has taken positive steps to align its legislation with the *acquis*, notably through compliance with the visa liberalisation roadmap requirements. In some areas such as the uniform visa format and aspects of the Schengen *acquis*, Serbia claimed full alignment with the EU legal framework. In other areas, Serbia recognised the need for further efforts to ensure compatibility with the EU standards.

The assessment of the situation in Serbia is also based on a contribution from Europol at the request of the Council in December 2013. The Commission recommends that Serbia pays particular attention to the fight against diverse forms of organised crime and to areas supporting these efforts, such as judicial cooperation in criminal matters and police cooperation. Serbia needs to prioritise and focus its resources on aligning the legislation, on building capacity and on delivering a track record of investigations and convictions in the fight against organised crime. Action plan(s) for the other areas under this Chapter need to take this priority into consideration. Infrastructure and investment projects need to be planned in such a way that these areas are prioritised and investment in other areas is planned across the period of accession negotiations and in the case of Schengen also after the accession.

III. a. Migration

With regard to legal migration, substantial efforts are necessary to adopt legislation compatible with the *acquis*, notably regarding:

- Directive 2009/50/EC on the conditions of entry and residence of third-country nationals for the purposes of highly qualified employment;
- Directive 2011/98/EU on a single application procedure for a single permit for third-country nationals to reside and work in the territory of a Member State and on a common set of rights for third-country workers legally residing in a Member State;
- Directive 2003/86/EC on the right to family reunification;

- Directive 2003/109/EC concerning the status of third-country nationals who are long-term residents;
- Directive 2005/71/EC on a specific procedure for admitting third-country nationals for the purposes of scientific research;
- Directive 2004/114/EC on the conditions of admission of third-country nationals for the purposes of studies, pupil exchange, unremunerated training or voluntary service;
- Directive 2014/36/EU on the conditions of entry and stay of third-country nationals for the purpose of employment as seasonal workers;

Following the adoption of the new legislation on legal migration, Serbia needs to put in place a comprehensive training plan to ensure smooth implementation of the new legal framework by its administration. Serbia needs to analyse the impact of alignment with the *acquis* on legal migration and prepare and implement a programme for ensuring the alignment of national law, as well as build administrative capacity through further training.

As regards irregular migration, further efforts are required to strengthen the penal framework to prevent the facilitation of unauthorised entry, transit and residence verifying the level of compliance with Directive 2002/90/EC defining the facilitation of unauthorised entry, transit and residence and the Framework Decision 2002/946/JHA on the strengthening of the penal framework to prevent the facilitation of unauthorised entry, transit and residence.

Serbia also needs to introduce legal provisions sanctioning employment of irregular migrants in line with Directive 2009/52/EC providing for minimum standards on sanctions and measures against employers of illegally staying third-country nationals.

Serbia must also adopt legislation for granting residence permit to irregular migrants willing to cooperate with competent authorities, in line with Council Directive 2004/81/EC on the residence permit issued to third-country nationals who are victims of trafficking in human beings.

Serbia needs as well to submit relevant legislation to allow the Commission to verify the level of compliance with Directive 2008/115/EC on common standards and procedures in Member States for returning illegally staying third-country nationals (the ‘Return Directive’).

Serbia stated that its human resources, infrastructure and equipment should be adjusted to meet the challenges posed by irregular migration.

The capacity (144 beds) of the Reception Centre for Foreigners is insufficient for the migration pressure Serbia is currently facing and more accommodation capacity should be created, also bearing in mind the needs of vulnerable groups. An evaluation mechanism needs to be put in place to continue to assess its capacity. Arrangements to enable short-term increases in capacity, particularly once Serbia becomes a Member of the EU, also need to be put in place. The coordination between the Commissariat for Refugees and Migration, the Ministry of Interior and other administrative bodies, in particular at local level, needs to be further developed. Serbia needs to continue good implementation of readmission agreements with the EU and to finalise the network of bilateral agreements with all neighbouring countries and Kosovo. The focus needs to be put on their implementation. Serbia needs in particular to further implement the Strategy and Action Plan for the reintegration of repatriated persons. The planned strategy on countering irregular migration needs to contain evaluation mechanisms.

Recommendations

In the light of the above, Serbia needs to adopt an action plan, addressing in particular the following issues:

- Outline measures to align the remaining legislation in the area of legal and irregular migration with the *acquis*, including setting out a mechanism to check that legislation in this area is being implemented;
- With the support of external experts, conduct an assessment of the administrative capacity, training needs, equipment and infrastructure and roll out the necessary measures (e.g. as part of a strategy/action plan) to ensure Serbia's readiness to correctly implement the *acquis* in the field of legal and irregular migration;
- Address the accommodation needs, with particular attention for minors and other vulnerable groups;
- Propose an evaluation mechanism assessing the accommodation capacity for irregular migrants on a continuous basis with the possibility to boost capacity in the short term, if necessary; attention also needs to be paid to ensuring that the centre's staff are adequately trained;
- Complete the network of bilateral readmission agreements with neighbouring countries; these need to be compatible with EU readmission agreements with these third countries. A similar arrangement should be reached with Kosovo.

III. b. Asylum

Practical implementation of the EU asylum *acquis* remains to be ensured. For example, Serbia will need to ensure effective access to the asylum procedure, including effective registration of all asylum seekers, independently of the fact whether or not they managed to obtain accommodation in an asylum centre. Serbia will also need to ensure that claims are dealt with at first instance by a permanent institution. In order to achieve full alignment with EU legislation, standards and practices, major efforts are needed in terms of capacity building, inter-institutional co-operation and legislative implementation.

Serbia needs to focus on alignment with the following legal acts:

- Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person (recast) and Commission Implementing Regulation (EU) No 118/2014; Regulation (EU) No 603/2013 of the European Parliament and of the Council of 26 June 2013 on the establishment of 'Eurodac' for the comparison of fingerprints for the effective application of Regulation (EU) No 604/2013 establishing the criteria and mechanisms for determining the Member State responsible for examining an application for international protection lodged in one of the Member States by a third-country national or a stateless person and on requests for the comparison with Eurodac data by Member States' law enforcement authorities and Europol for law enforcement purposes, and amending Regulation (EU) No 1077/2011 establishing a European Agency for the operational management of large-scale IT systems in the area of freedom, security and justice;
- Directive 2011/95/EU on standards for the qualification of third-country nationals or stateless persons as beneficiaries of international protection, for a uniform status for

refugees or for persons eligible for subsidiary protection, and for the content of the protection granted;

- Directive 2013/32/EU of the European Parliament and of the Council of 26 June 2013 on common procedures for granting and withdrawing international protection;
- Directive 2001/55/EC on minimum standards for giving temporary protection in the event of a mass influx of displaced persons and on measures promoting a balance of efforts between Member States in receiving such persons and bearing the consequences thereof;
- Directive 2013/33/EU laying down standards for the reception of applicants for international protection;
- Directive 2011/51/EU of the European Parliament and of the Council of 11 May 2011 amending Council Directive 2003/109/EC to extend its scope to beneficiaries of international protection;
- Relevant provisions related to Eurostat.

Serbia has faced over recent years a significant increase in the number of asylum applications. Serbia nevertheless remains a transit country where the vast majority of the applicants disappear in the course of the procedure. Anticipating that Serbia will gradually become a country of destination, additional permanent reception facilities with adequate conditions for asylum seekers are needed. This also includes meeting needs of the increasing number of vulnerable groups (currently 10%) among applicants as well as new translation and interpretation needs.

The unified national database for storing fingerprints of asylum seekers, remains to be put in operation. Further efforts are necessary to ensure that the national biometric database is fully compatible with 'Eurodac' (comparison of fingerprints). There will be a need – closer to accession - to recruit and train staff to operate the national infrastructure of the Eurodac system, once established.

As regards Serbia's institutional capacity, the Section for Asylum in the Ministry of Interior should be turned into a permanent and well-resourced office in line with the 2007 Asylum Law and respect the procedural standards contained in the Asylum Procedures Directive. Adequate training to improve judges' expertise in refugee matters within the administrative court acting as the judicial appeal body needs to be ensured.

Serbia will have to prepare – including through adequate staff increases - for a situation where the number of asylum claims may further increase upon accession to the EU.

Recommendations

In the light of the above, Serbia needs to adopt an action plan, addressing in particular the following issues:

- Establish a permanent first instance body, as foreseen in the 2007 Serbian Law on Asylum;
- Allocate adequate means both to the first instance body (currently the Asylum Office) as well as to the Commissariat for Refugees which is responsible for the accommodation of asylum-seekers, and ensure that they both comply with the procedural standards of the Asylum Procedures Directive;

- Ensure at all levels the necessary administrative capacity to deal with an increasing amount of asylum claims, including sufficient know-how with regard to establishing of the origin, analysis of grounds to claim asylum, translation and interpretation;
- Find a sustainable solution to ensure sufficient permanent accommodation capacity based on clear and transparent criteria and put in place a mechanism to regularly review the capacity of the Asylum Centres to meet demand against the background of fluctuating migratory flows (contingency plan);
- Outline measures to further align legislation with the *acquis* in the area of asylum where needed and establish a mechanism to ensure that legislation is correctly implemented, in particular when it comes to adequately and timely processing of applications and in terms of effective access to the asylum procedure, so that, *inter alia*:
 - the expression of the intention to apply for asylum is treated as an asylum application;
 - access to the asylum procedure for rejected asylum seekers who cannot be returned to a safe third country is guaranteed;
 - implicit withdrawal/abandonment leads to discontinuation or rejection rather than the current suspension of the procedure;
 - time limits are enforced, including through effective judicial remedies;
 - a revision of the safe third country concept and its implementation is conducted;
 - a training plan tailor-made for staff of all bodies involved is developed.
- Implement an adequate integration procedure applicable to beneficiaries of various forms of international protection, including language courses and effective access to labour market;
- With the support of external experts, conduct a comprehensive assessment of administrative capacity, training needs and infrastructure. Particular focus should be put on:
 - preparing a specific analysis of what needs to be further done to meet the technical requirements to cooperate in the context of Eurodac Regulation and the Dublin Regulation;
 - putting in place the structures necessary to cooperate with the European Asylum Support Office and to benefit from the Asylum, Migration and Integration Fund, if needed, by the date of accession.

III. c. Visa policy

Serbia's visa policy is not fully aligned with EU standards, including as regards the EU list of countries from which the nationals are under visa obligation. Serbia permits visa-free access to nationals who need a visa to enter the EU.

In terms of document security and visa features, Serbia has reached a good level of compliance, notably with the standards of the International Civilian Aviation Organisation. Additionally, usually six months ahead of accession, Serbia will receive classified technical specifications on uniform formats for travel documents and visa which it needs to take into consideration by the time of accession.

In the context of the future Schengen accession, the types of visa issued by Serbia are not fully compatible with the new EU Visa Code. Further efforts are needed to make the system fully compatible. For example, Serbia stated that the reasons for refusing a visa were not disclosed to the applicant, which is not in line with the *acquis*. There is also no right to appeal against such a decision. These two elements, however, constitute key elements of the EU's new visa policy. The practice of issuing visas at the borders is not in line with the EU *acquis* and efforts should continue to establish a trend of decreasing numbers of visas issued at the border.

Complying with the requirements of the Visa Information System will require further technical adaptations.

Serbia still has a practice of issuing exit visas for certain categories of people (seamen). Such a practice is not in line with existing *acquis* and may be perceived as hampering free movement of persons. Serbia is taking steps to amend its legislation.

Subject to some additional specialised training, Serbia has sufficient administrative capacity at central and regional level to implement EU visa policy.

Recommendations

In the light of the above, Serbia needs to adopt an action plan, addressing in particular the following issues:

- Prepare a Schengen Action Plan (*see hereafter*), which covers measures ensuring alignment with the EU visa *acquis* upon accession to the EU and - where relevant - upon accession to the Schengen area later on. Particular focus is required as regards:
 - Outlining measures to ensure that national legislation complies with EU Visa Regulation 539/2001 and to address the shortcomings in administrative and technical capacities to comply with this Regulation;
 - Preparing the capacity to receive few months ahead of the accession classified information on the security details of travel document and visa format, and implement them in practice;
 - Outlining measures to ensure compliance with the Visa Code;
 - Taking appropriate measures to ensure preparations for the Visa Information System and electronic connections with Serbian missions abroad, including to train relevant consular staff;
 - Proposing measures to further limit the number of visas issued at the borders.

III. d. External borders and Schengen

External borders

The Serbian legislation in the area of external borders is inspired by the EU *acquis* and practices. However, the legislative and administrative framework for the management of external borders is not fully aligned with EU standards. When amending the legislation, Serbia needs to take into account the considerable cost implications of alignment. Moreover, provisions on fundamental rights and non-discrimination against travellers need to be incorporated into Serbian legislation. This needs to be accompanied by training for the border police.

In terms of its policy framework, Serbia needs to adopt a new multi-annual strategy and an action plan based on the EU concept of Integrated Border Management. The strategy and action plan need to contain evaluation mechanisms. In recent years, including during the post visa liberalisation dialogue, Serbia improved the technical equipment of most of its border crossing points. Serbia has recently established an immigration and case management system and increased operational field equipment (special cameras, scanners, fingerprint capturing devices and detection devices) at BCPs. Operational biometric system solutions at borders, such as the existing Automatic Fingerprint Identification System (AFIS) and Facial Image Identification System (FIIS) have also been upgraded. However, further equipment needs to be deployed, notably at the smaller border crossing points. Serbia also needs to further develop risk analysis for capability related to the management of its borders.

To improve protection of its borders, Serbia is actively cooperating with nearly all its neighbours. Serbia is considering ways to prevent borders being crossed illegally via alternative roads, in particular with Bosnia and Herzegovina. Serbia needs to effectively ensure that these alternative roads are no longer accessible to cross the state border (e.g. by putting physical obstacles in place and/or introducing electronic surveillance). Inter-agency cooperation between the different services involved in activities at the border should be improved to increase efficiency.

Serbia will need to remain fully committed to the continued normalisation of relations with Kosovo and to the implementation of all agreements reached in the context of the dialogue, including by cooperating with EULEX as appropriate. This applies in particular to the IBM agreement. The same level of control and security will need to be achieved at the administrative border/boundary line between Kosovo and Serbia as with other neighbours.

Schengen acquis

It is understandable that preparations in this area are at an early stage given that Serbia will join the Schengen area only after it has joined the EU. At the same time, there is a good technical basis to build on. Serbia needs to adopt its own national Schengen Action Plan. It needs to start drafting plans to create a national IT infrastructure compatible with the Schengen Information System, including adequate data protection provisions. Preparations to join the Schengen area require considerable resources, so careful and thorough planning of individual steps is necessary. The Schengen Action Plan would be instrumental in these efforts.

Recommendations

In the light of the above, Serbia needs to adopt an action plan, addressing in particular the following issues:

- Include in the above mentioned multi-annual Schengen Action Plan the sequence of the necessary legal amendments to Serbian legislation required before joining the EU and before joining the Schengen area as well as the required investments in infrastructure and training. Particular attention should be paid to:
 - Preparing a comprehensive analysis of the infrastructure and business processes of the competent law enforcement, judicial and vehicle licensing authorities regarding their proposed access to and use of the Schengen Information System (SIS), including the querying, creation, update and deletion of alerts in the SIS. This is also to include an analysis of the sources of information for both alerts and supplementary information to ensure that the SIRENE Bureau is able to fulfil its role in information exchange with other Member States at any time;

- Stepping up human resources and training, in particular for the border police but also the police based on the "train the trainers" concept;
- Developing a risk analysis model - including establishing central and regional risk analysis units - based on European standards, such as the Common Integrated Risk Analysis Model developed by Frontex;
- Adopt a multi-annual Integrated Border Management Strategy in line with the 2006 EU concepts on integrated border management, including measures to improve inter-agency cooperation including the exchange of information at the borders through joint operational work;
- Propose measures to improve the protection of the external borders through improved operational cooperation with neighbouring countries;
- Suggest steps to effectively prevent cross-border traffic through alternative roads;
- Outline a comprehensive set of measures to improve the fight against corruption at the borders, covering all agencies active at the border, in order to effectively address the twin challenges of corruption and organised crime.

III. e. Judicial cooperation in civil, commercial and criminal matters

Judicial cooperation in civil and commercial matters

Serbia is party to most international conventions in this area. Serbia still needs to ratify the Hague Convention on private international law on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children (1996). EU regulations governing judicial cooperation in civil and commercial matters will be directly applicable in Serbia upon accession. According to the information provided, the legislative framework of Serbia is not fully compatible with the EU *acquis*. Serbia needs to consider ways to incorporate the regulations into its own legislation ahead of accession. This is to ensure that upon accession Serbia has sufficient capacity and experience to apply them. The correct implementation of the National Judicial Reform Strategy for the period 2013 – 2018 will be crucial for Serbia to build up its own administrative capacity to be able to implement the *acquis*, including through specialised training (also on foreign languages). Statistics also need to be improved to demonstrate efficiency in dealing with requests from third countries.

Serbia will need to remain fully committed to the continued normalisation of relations with Kosovo and the implementation of all agreements reached in the context of the dialogue, including by cooperating with EULEX as appropriate. This applies in particular to the steps towards judicial cooperation in civil matters. Serbia will need to fully implement cooperation in commercial and administrative matters with Kosovo as per the IBM Agreement. The same level of judicial cooperation in civil and commercial matters needs to be achieved with Kosovo as with other neighbours.

Judicial cooperation in criminal matters

Serbia has the basic principles of judicial cooperation in criminal matters enshrined in its legislation and it has acceded to a number of international conventions. However, the legal framework is not complete and does not fully correspond to the *acquis*. Serbia needs to implement the 2000 Convention on Mutual Assistance in Criminal Matters between the Member States of the EU and its protocols and, at least, to implement the provisions of the Convention of March 1995 on simplified

extradition procedures between the Member States of the EU, in order to process the transposition of Framework Decision 2002/584/JHA on the European Arrest Warrant and the surrender procedure between Member States. The Law on International Legal Assistance of Serbia limits the extradition of own nationals to third countries in criminal proceedings, unless there is a bilateral agreement enabling it. This will have to be remedied in view of correctly implementing the European Arrest Warrant upon accession to the EU.

Both the Ministry of Justice and courts are competent to deal with mutual legal assistance requests. Currently, the administrative capacity is not sufficient to meet EU requirements on judicial cooperation in criminal matters. Serbia needs to further strengthen its administrative capacity to implement in a timely manner requests for mutual legal assistance and later on the principle of mutual recognition. Serbia needs to provide further training to judges, prosecutors and court staff as well as staff of the Ministry of Justice, the police and other civil servants. It also needs to put in place the necessary infrastructure. Moreover, it needs to gradually gain experience through practical work with EU partners and use the potential of the available instruments proactively. In this context, Serbian courts work directly with courts of other countries in the region. Serbia now needs to ensure that its courts can cooperate directly with partner courts from the EU.

In terms of cooperation with Eurojust, Serbia needs to ensure that it meets the requirements for concluding the cooperation agreement, notably on personal data protection. With regard to joint investigative teams (JITs), Serbia is a party to the Police Cooperation Convention for South East Europe, which is largely built on EU principles. Therefore, it needs to increase the use of these teams with its partners from the Western Balkans region, which are also parties to this Convention. JITs are a useful tool for cooperation with EU Member States under Council Framework Decision 2002/465/JHA of 13 June 2002 on joint investigation teams.

As regards horizontal judicial cooperation in civil, commercial and criminal matters, Serbia is not yet a member of EU judicial networks. The Commission recommends that the Ministry of Justice could usefully prepare for accession by suggesting that the appropriate judicial authorities become observer members of the European Judicial Training Network, the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, the Network of the Presidents of the Supreme Judicial Courts of the European Union and the Network of the General Prosecutors of the Supreme Judicial Courts of the European Union. The Commission notes that the High Judicial Council of Serbia is already an observer in the European Network of Councils for the Judiciary. Additionally, when incorporating EU legislation into national law, Serbia would benefit from participation by the Ministry of Justice in the Network for Legislative Cooperation between the Ministries of Justice of the European Union.

Serbia will need to remain fully committed to the continued normalisation of relations with Kosovo and implementation of all agreements reached in the dialogue, including by cooperating with EULEX as appropriate. This applies in particular to the steps towards judicial cooperation in criminal matters. Serbia will need to establish full cooperation in criminal matters with Kosovo as per IBM agreement. The same level of judicial cooperation in criminal matters needs to be achieved with Kosovo as with other neighbours.

Recommendations

In the light of the above, Serbia needs to adopt an action plan, addressing in particular the following issues:

Judicial cooperation in civil and commercial matters

- With the support of external experts, prepare an impact assessment that should result in a clear timeline and adequate measures for transposing the existing *acquis* into Serbian legislation or directly implementing it, bearing in mind administrative, budgetary, staff and training needs. This should also include:
 - Steps to improve statistics to monitor the efficient handling of international requests in this area;
 - A comprehensive training programme allowing practitioners in courts and in the Ministry of Justice to gradually familiarise themselves with the *acquis*;
 - Prioritising direct cooperation between Serbian courts and courts from third countries and centralising at court level the contacts for receiving requests for international judicial co-operation.

Judicial cooperation in criminal matters

- With the support of external experts, prepare an impact assessment that should result in a clear timeline and adequate measures for transposing the existing *acquis* into Serbian legislation (including on the European Arrest Warrant) or directly implementing it, bearing in mind administrative, budgetary, staff and training needs. This should also include:
 - Steps to improve statistics to monitor the efficient handling of international requests in this area;
 - A comprehensive training programme allowing practitioners in courts and in the Ministry of Justice to gradually familiarise themselves with the *acquis*;
 - Prioritising direct cooperation between Serbian courts and courts from third countries and centralising at court level the contacts for receiving requests for international judicial co-operation.
- Ensure preparations to conclude a cooperation agreement with Eurojust, notably as regards personal data protection.

III. f. Police cooperation and the fight against organised crime

This is a priority area for Serbia. In December 2013, the Council looked forward to "*the Commission's intention to reinforce its assessments and reporting to the Council on organised crime for each Western Balkans country, on the basis of specific contributions prepared by Europol*". Europol conducted a mission to Serbia, the results of which were taken into account in this screening report.

Police cooperation

Serbia is actively participating in regional law enforcement cooperation. It has also established practical cooperation with some EU Member States. As a result, a number of police operations have been conducted in cooperation with the authorities of the EU Member States, but also of the other countries of the region and with Interpol and Europol. The expected ratification of the January 2014 operational agreement with Europol and posting a liaison officer to The Hague will help Serbia to further increase such cooperation with the EU Member States. Serbia is invited to also conclude a working arrangement with the European Police College (CEPOL).

Serbia will need to remain fully committed to the continued normalisation of relations with Kosovo and implementation of all agreements reached in the dialogue, including by cooperating with EULEX as appropriate. This applies in particular to the steps towards full police cooperation. Serbia will need to establish cooperation in police matters with Kosovo as per the IBM agreement. The same level of police cooperation needs to be achieved with Kosovo as with any other neighbour.

Serbia has identified the main challenges it faces in implementing the *acquis* on police cooperation. Serbia now needs to work towards further aligning its legislation with the relevant *acquis* and to focus on developing the necessary administrative, analytical and operational capacity needed to gradually implement Decision 2008/615/JHA on the stepping up of cross-border cooperation, particularly in combating terrorism and cross-border crime (Prüm Decision) and Framework Decision 2006/960/JHA on simplifying the exchange of information and intelligence between law enforcement authorities of the Member States of the European Union (Swedish Initiative).

Serbia needs to further align its legislation in the field of vehicle crime and regarding the protection of public figures. Particular attention is needed to find a sustainable solution for addressing the problem of hooliganism and to ensure adequate functioning of the unit for terrorism and extremism. Serbia should implement its action plan in this respect and ensure it is able to implement in practice decision 2002/348/JHA as amended by Decision 2007/412/JHA regarding security in connection with football matches with an international dimension.

Fight against organised crime

Organised crime is one of the major challenges Serbia is facing. Criminal groups originating from Serbia or having links to Serbia operate within and beyond the borders of the country.

Serbia has strengthened its legislative and administrative framework to fight organised crime, notably in the course of the visa liberalisation dialogue. However, Serbia has not yet developed a coherent and overarching strategic picture of organised crime in the country. It is important to continue work on alignment of the legislation. Relevant legislation needs to be submitted to the Commission so that a more precise level of compliance can be established. The focus of Serbian authorities needs to be in particular on delivering results on investigations, prosecution and convictions. Various departments in the police as well as the Prosecutor's Office for Organised Crime (POOC) will therefore need to be further strengthened.

As regards its operational capacity, Serbia needs to establish a centralised criminal intelligence system and a safe platform for communicating between law enforcement bodies. Providing data protection and human rights standards are guaranteed, relevant databases should be better connected. The statistical and risk analysis capacity needs to be further improved. The dependence of the police on the security intelligence agency to carry out certain special investigative measures in criminal investigations is not in line with EU best practices. Overall, Serbia needs to ensure sufficient human and financial resources as well as to strengthen its analytical capacities.

The track record of financial investigations is subject to further improvement. This is important given that Serbian organised crime groups often operate outside the country. The concept of financial investigation should be broadened going beyond purely the seizure and confiscation of criminal assets of individuals. Serbia should more systematically target the money flows supporting criminal organisations rather than single individuals. Serbia also needs to strengthen its capacity (both law enforcement and judiciary) to run complex financial investigations in parallel to criminal investigations. Further training is needed to effectively address economic crime.

The legal framework on asset confiscations needs to be reviewed and aligned with the new *acquis*, in particular the new Directive on the freezing and confiscation of instrumentalities and proceeds of crime in the European Union. The total number of proceeds of crime seized remains low. Serbia should establish or designate an Asset Recovery Office which is duly staffed and trained and able to engage in international co-operation. Incentives for units involved could be envisaged. Serbia should continue its efforts to improve the management of seized property. The management of seized property also needs to be improved and changes facilitating access to necessary financial information, such as central bank accounts register, access to database, reliable and complete register of real estate, need to be considered.

As regards the fight against money laundering, Serbia will have to ensure full compliance with Council Decision 2000/642/JHA concerning arrangements for cooperation between financial intelligence units of the Member States in respect of exchanging information. The administrative and analytical capacity of the FIU needs to be reinforced to systematically identify suspicious cases. The level of reporting of suspicious transactions remains low, in particular outside the banking sector, and especially in the real estate sector, currency exchange offices and insurance companies. An effective system for monitoring and analysing cash transactions needs to be put in place and made operational. Judiciary and law enforcement services need better training to handle money laundering cases (*see also chapter 4 – Free movement of capital*).

Beyond legal alignment, specialised training, better co-ordination between institutions and adequate budgetary resources are needed across the board but in particular in relatively new and quickly developing areas such as cybercrime.

Like in other crime areas, Serbia does not produce any strategic analysis which would describe an overall picture of human trafficking related trends, threats and developments. The vast majority of detected cases are treated as crimes committed by individuals and not in the context of a criminal organisation. Serbia has taken a number of steps to prevent and fight trafficking in human beings. A new strategy and action plan are under preparation. These should reflect the priorities set in the EU Strategy against trafficking in human beings. The new strategy and action plan need to contain evaluation mechanisms. Further measures are required to foster a human rights based approach and to step up measures to identify and protect victim. Clearer organisational arrangements are needed within the police for units competent to tackle trafficking in human beings. The position of the National Co-ordinator for Combating Trafficking in Human Beings within the Ministry of Interior should be re-assessed against the requirement to promote a multi-disciplinary approach towards this crime phenomenon and the obligation within the EU *acquis* to establish a National Rapporteur for the fight against trafficking of human beings.

Serbia is preparing a new Law on weapons and ammunition and will roll out a training programme on the new law for policemen. It should further strengthen its efforts to prevent and fight illegal trafficking of firearms.

The unit for witness protection needs to be better staffed and equipped. Premises should be made available at courts to protect and safely interview protected witnesses.

Recommendations

In the light of the above, Serbia needs to adopt an action plan, addressing in particular the following issues:

Police cooperation

- Ensure effective implementation of the operational agreement with Europol and the posting of a liaison officer in The Hague;
- Strengthen human resources and the operational capacity to implement various instruments in the field of police co-operation, in particular the Prüm Treaty and the Swedish initiative;
- Implement the Action Plan on Hooliganism and participate in cooperation on issues such as security of football matches, vehicle crime, and the protection of public figures.
- Assess the need to further reform and rationalise police / Ministry of Interior structures with a view of increasing their efficiency.

Fight against organised crime

- Based on EUROPOL's Serious and Organised Crime Threat Assessment (SOCTA) methodology, develop a strategic picture of organised crime in Serbia to assess threats and risks. On that basis develop strategic planning and analysis and subsequently appropriate law enforcement responses, including through the concept of intelligence-led policing;
- Prepare for the establishment of a single centralised criminal intelligence system and a safe platform for communicating between law enforcement bodies. Ensure better connection of relevant databases (including an analysis of the costs, administrative resources, budget and training needs) and improve the collection of unified crime statistics;
- Revise the role and practice of security services in the criminal investigation phase in line with data retention and human rights standards;
- Propose measures to reinforce the capacity of the police, the specialised prosecution service and the Anti-Money Laundering Administration (FIU) to pro-actively investigate organised crime, including economic and financial crime, such as money laundering;
- Fully implement the new Financial Action Task Force (FATF) recommendations and step up the capacity to run complex financial investigations in parallel with criminal investigations, including through strengthening the special unit in the Ministry of Interior and ensuring adequate training;
- Fully align the legal framework governing the activities of the FIU;
- Ensure that the legislative and institutional framework enables effective seizure, confiscation and management of the proceeds of crime resulting in an increased number of seizures and confiscations;
- Adopt and implement a new Strategy and Action Plan for the prevention and the fight against trafficking in human beings (including *inter alia* steps to further align with the *acquis*, steps to pro-actively identify and duly protect victims of trafficking, ensure dissuasive sanctions for those found guilty of trafficking in human beings, outline a timeline and steps to appoint a National Rapporteur for the fight against trafficking of human beings in line with the Directive); further foster efficiency and specialisation within the police and

develop dedicated policy measures based on a strategic picture of the trafficking situation in the country;

- Provide further specialised training and enhance the capacity of law enforcement bodies in charge of fighting cyber criminality;
- Establish dedicated teams of experts to improve cooperation with the EU and the Western Balkans to increase the flow of information and intelligence regarding the illicit trafficking in firearms;
- Propose measures to strengthen the effective protection of witnesses.

III. g. Fight against terrorism

Serbia's legal framework is only partially compatible with the *acquis*. Further efforts are necessary to align the Serbian legislation to comply notably with:

- Framework Decision 2002/475/JHA on combating terrorism as amended by Framework Decision 2008/919/JHA;
- Decision 2005/671/JHA on exchange of information and cooperation concerning terrorist offences;
- Directive 2008/114/EC on the identification and designation of European Critical Infrastructure (ECI) and the assessment of the need to improve their protection.

Compatibility of the Serbian policy framework on counter-terrorism with EU strategies and actions plans in this area needs to be further improved. Serbia has ratified key international and Council of Europe instruments for the fight against terrorism.

According to the available information, capacity in this area is adequate for the threat terrorism poses in Serbia. At the same time, Serbian law enforcement and security services need to continue to monitor the situation carefully and need to contribute to international cooperation in this area. Serbia plans to develop a new strategy and implementing action plan for fighting terrorism as well as a new law on freezing of assets proceeding from terrorism. The new strategy and action plan need to contain evaluation mechanisms. A unique national database, more efficient procedures for data exchange and a more efficient organisation of and operational co-operation between bodies involved are still needed.

Recommendations

In the light of the above, Serbia needs to adopt an action plan, addressing in particular the following issues:

- Adopt and implement a new comprehensive strategy and action plan to prevent and fight terrorism;
- Prepare measures to align the national legislation with the *acquis* in this area and update the policy framework to take into consideration policy developments at EU level, including measures to prevent and address radicalisation in line with EU best practices (e.g. on the phenomenon of so called "foreign fighters");
- Ensure the necessary administrative and operational capacity to implement the EU *acquis*.

III. h. Cooperation in the field of drugs

The illicit trade in narcotic drugs is a serious problem in Serbia, given its location on one of the main routes towards (heroin, cocaine and cannabis) and from (synthetic drugs) the EU. The Pan European Corridor X plays an important role as transit route for this illicit business and Serbia will also need to focus its operational capacity on this route. Local organised crime groups are active in trafficking drugs, notably cocaine, heroin and cannabis. Serbia has developed an operational capacity to dismantle drug trafficking rings. To continue to meet the challenge, Police and Customs need to further invest in modern investigation techniques underpinning intelligence-led operations against drug trafficking. Regional and international police and customs co-operation remains indispensable. Serbia should over time develop a solid track record of drug seizures and ensure that criminal assets are systematically confiscated. Safe and secure storage of seized drugs and precursors as well as their effective destruction in appropriate circumstances needs to be ensured.

The Serbian policy framework on the prevention and suppression of drugs needs to be further developed, notably by adopting a new strategy and action plan based on the EU Drugs Strategy (2013–2020). The new strategy should also reflect the main objectives of the renewed (2013) EU-Western Balkan Action Plan on Drugs, focussing on strategic planning, legislation and institution building, demand reduction, law enforcement and judicial co-operation, money laundering and precursor control. Serbia's new strategy and action plan need to contain evaluation mechanisms. Drug consumption in Serbia is increasing in recent years. A stronger focus on drugs prevention and treatment is needed.

The national focal point for co-operation with EMCDDA is not yet fully operational and should strengthen its capacity to adequately perform data collection and reporting.

Recommendations

In the light of the above, Serbia needs to adopt an action plan, addressing in particular the following issues:

- Adopt and implement a Strategy and Action Plan for the prevention and fight against drugs inspired by the EU Drugs Strategy (2013–2020) as well as the main objectives of the renewed (2013) EU-Western Balkan Action Plan on Drugs;
- Propose measures to enhance operational results of law enforcement and judicial authorities in the fight against drugs trafficking and abuse, including by further improving their co-operation, introducing modern investigation techniques and the systematic seizure of criminal assets;
- Develop measures to ensure safe and secure storage and effective destruction of seized precursors and drugs;
- Further develop regional and international police-co-operation;
- Keep the list of drugs regularly updated following international and European developments;
- Allocate sufficient staff and financial resources to the focal point for the EMCDDA, to ensure an active cooperation with the Agency.

III. i. Customs cooperation

Serbia is active in regional and international customs cooperation for example *concerning the fight against illegal trade in goods such as narcotics, oil and cigarettes*. Serbia is only partially aligned with the requirements of the *acquis* on customs cooperation. Serbia has to ensure that its IT strategy for the Customs Administration (2011 – 2020) contains all necessary elements to allow it to prepare for implementing Decision 2009/917/JHA on the use of information technology for customs purposes upon accession. Serbia needs to ratify the Naples II Convention upon accession and prepare well in time for implementing it (*see also Chapter 29 – Customs union*).

Recommendations

In the light of the above, Serbia needs to adopt an action plan, addressing in particular the following issues:

- Ensure that the IT strategy for the Customs Administration (2011 – 2020) contains all necessary elements to allow it to prepare for implementing Decision 2009/917/JHA upon accession;
- Broaden the investigative powers of customs officers and improve their possibilities to cooperate (e.g. through access to data bases) with other agencies at the border;
- Draft a work plan to implement Naples II upon accession.

III. j. Counterfeiting of the euro (*see chapter 32 – Financial control*)

According to the available information, the legal framework of Serbia is only partially in line with the *acquis*. Serbia needs to further align its legislation to fully comply with Framework Decision 2000/383/JHA² and Decision 2001/887/JHA. Serbia will need to sign and ratify the Geneva Convention for the suppression of counterfeiting currency, with respect to the obligation of the national central office to communicate information to Europol as foreseen in the Decision 2001/887/JHA.

Serbia needs to build administrative capacity to enhance its cooperation with OLAF, Europol and the European Central Bank to prevent euro counterfeiting.

Recommendations

In the light of the above, Serbia needs to adopt an action plan, addressing in particular the following issues:

- Prepare measures to further align the national legislation to fully comply with the EU *acquis* in this area, including the Geneva Convention;
- Propose measures to strengthen capacity to enhance cooperation with OLAF, Europol and the European Central Bank in this area.

² The Framework Decision 2000/383/JHA will be replaced imminently by the Directive on the protection of the euro and other currencies against counterfeiting by criminal law.