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COMMISSION STAFF WORKING PAPER

**On the post-visa liberalisation monitoring for the Western Balkan countries in
accordance with the Commission Statement of 8 November 2010**

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I. Introduction

Since **19 December 2009**, the citizens of Serbia, Montenegro and the former Yugoslav Republic of Macedonia, holding a biometric passport, enjoy visa-free travel to the EU Member States, in accordance with Regulation 539/2001 listing the third countries whose nationals must be in possession of a visa when crossing the external borders of the EU ("negative list") and those whose nationals are exempt from that requirement ("positive list"). The citizens of Albania and Bosnia-Herzegovina, holding a biometric passport, enjoy the same visa-free travel to the EU Member States since **15 December 2010**.

The citizens of the above mentioned countries who have only an old, non-biometric passport, remain under the visa obligation in accordance with the Regulation and the provisions of the Visa Facilitation Agreements between the EU and the third country continue to apply to them.

The decision to grant visa free travel to citizens of the Western Balkan countries was based on the results achieved by these countries in fulfilling the benchmarks of the **roadmaps of the visa liberalisation dialogues**. These result-oriented visa liberalisation dialogues were launched in 2008 and acted as a very strong incentive for accelerating reforms towards reaching EU-standards in the justice and home affairs areas. Substantial progress was made in fields such as the strengthening of rule of law, combating transnational organised crime, corruption and illegal migration as well as strengthening of their administrative capacity in border management and the security of documents.

In the Commission's Statement presented on **8 November 2010** during the Justice and Home Affairs Council, the Commission stressed "*the great importance which it attaches to effective implementation of the measures taken by the countries of the Western Balkans to enduringly meet the benchmarks of the roadmaps for the visa liberalisation process*".

Since then, the Commission has stepped up its efforts to strengthen the **post visa liberalisation monitoring** in the concerned Western Balkan countries (Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia). The follow-up mechanism set up to this end at the beginning of 2011 covers border management, document security, combating organised crime and corruption, fundamental rights, as well as the effective implementation of readmission agreements. The mechanism allows the Commission to engage with the countries concerned, under the framework of the Stabilisation and Association Process, in a dialogue for the assessment of the consistent implementation of all reforms launched under the visa liberalisation roadmap.

Finally, the Commission has adopted on 24 May 2011 a proposal for a Regulation of the European Parliament and of the Council amending Council Regulation (EC) 539/2001 listing the third countries whose nationals must be in possession of visa when crossing the external borders and those whose nationals are exempt from that requirement.

II. Structure and elements of the post-visa liberalisation monitoring mechanism

Following the decision of the JHA Council of 8 November 2010, the Commission took immediate steps for the establishment of the monitoring mechanism. A **Steering Committee** chaired by the Commission was established and its first meeting was convened on 12 January 2011. Representatives of Frontex, Europol, the current and incoming Council Presidency, as well as the Secretariat of the Police Cooperation Convention for South-East Europe (PCC SEE), are members of the Steering Committee, together with representatives of the relevant Commission services.

The Steering Committee has made a number of operational decisions at its January meeting and decided on the **scope** and **structure** of the mechanism, which is **twofold**:

- **Scope 1:** The Commission continues assessing the implementation of measures taken by the Western Balkan countries concerned during the visa dialogues through the **Stabilisation and Association Process**, and in particular through the **EU Delegations**. The Commission's assessment of each country's progress under this section is based on the information received through the meetings in the framework of the Stabilisation and Association Process (JLS sub-committee meetings as well as other relevant dialogue meetings) as well as on the updates received from the countries concerned.
- **Scope 2:** The monitoring acts as an **alert and prevention mechanism** against abuse of visa liberalisation by persons from the region.

Under this function of the monitoring mechanism, a completely new set of operational tools has been developed, that help anticipating critical situations concerning the inflows of persons from the region.

The Commission has requested Frontex to act as a lead service in coordinating the input from all stakeholders involved and to assist the Commission services through the alert system.

Firstly, Frontex has developed a **tailored risk analysis** (TRA) of the situation in the whole Western Balkan region which was presented by the Commission to the Member States at the end of February 2011.

Moreover, Frontex has put together an **operational Task Force** composed of representatives of the source countries in the region, the transit and the destination countries among the EU Member States, EUROPOL and the Commission. Frontex has also set up and is operating the alert system managed by its Risk Analysis Unit. The system acts as a **semi-automated alert mechanism** to identify potential crisis situations. Information collected through the system has been shared every 4 weeks with the Commission, which has informed and briefed the Member States in the Council Working Groups. Frontex has delivered four notice alerts so far.

The Steering Committee also decided that **ad hoc experts visits** on the ground could take place if necessary. Such missions took place in Serbia (26-29 April 2011) and in the former Yugoslav Republic of Macedonia (3-6 May 2011).

The alert system developed during the first months of the year has proved to be effective. Together with the TRA, it has given to the Commission and the Member States regular

and precise indications of the different specificities of migration flows between the Western Balkan region and the EU. The comprehensive information gathered through the mechanism in the last six months has allowed the Commission and the Member States to better understand the phenomenon of the abuse of visa liberalisation, to assess its developments and to enable the decision-makers to take action at EU and national level and in their relationship with the countries concerned.

III. Scope 1: Commission services' assessment on the continued implementation of benchmarks undertaken during the visa liberalisation dialogues by the Western Balkan countries

The current assessment is based on (1) the **detailed reports** requested by the Commission and provided by the countries, (2) information exchanged during the meetings in the framework of the Stabilisation and Association Agreement Committees and (3) the outcomes of **two assessment missions** carried out in April and May by Commission officials accompanied by Member States' experts to Serbia and to the former Yugoslav Republic of Macedonia.

Hereafter follows the assessment per country following the same structure – assessment by Block – as was used in the visa liberalisation dialogue.

Albania

Block 1 Document security

The issuance of biometric passports and IDs continued smoothly. Until the beginning of May 2011 2 740 000 passports were delivered.

Block 2 Illegal migration, including readmission

In the area of **border management** several bylaws were adopted to improve the administrative capacity of the Border and Migration Police. The installation of the police information system (MEMEX) in the regional Border and Migration Police Directorates and Commissariats continued and additional training in view of its efficient use was organised.

Albania is implementing the existing legislation on **asylum** effectively. Currently the number of asylum seekers is relatively low and Albania has sufficient human resources and capacity to deal with it adequately.

In the area of **migration**, further progress was achieved. The final report on the monitoring of the implementation of the National Strategy of Migration 2005-2010 was prepared. Meanwhile, the drafting of a new Migration Strategy 2011-2015 started. Albania should make further efforts to finalise the adoption of the report in order to complete the assessment of the implementation of the old Strategy as well as to speed up the adoption of the new Strategy. The Commission services encourage Albania to step up its efforts in the area of sustainable return and reintegration in view of the high number of returnees.

Block 3 Public order and security

With regard to the **fight against organised crime**, the new police structure is in place and Albanian authorities are making efforts to increase the investigative capacity with additional human resources and training. However, the track record on investigations, prosecution and convictions of organised crime remains low and further efforts are needed. Special attention should be given to strengthening the capacity of the law enforcement agencies through additional financial and human resources.

As for the **fight against money laundering**, the legal framework is being amended in order to address the low reporting of suspicious transactions. Additional efforts are needed for enhancing the cooperation and coordination between the institutions involved in combating money laundering.

The implementation of the **Anti-corruption** Strategy is advancing further. The inter-service working group for monitoring its implementation is making additional efforts to clarify the functions and duties of the participating institutions. A report on the implementation of the Anti-corruption Action Plan for 2008-2010 was drafted. The Action Plan for 2011-2013 is currently being developed. The number of adjudicated cases remains low and has slightly decreased in 2010 in comparison with 2009. Albania needs to further step up its efforts to improve its track record of investigations, prosecutions and convictions in the area of the fight against corruption. The current wide regime of immunities for MPs, high-level officials and judges, enshrined in the Constitution, should also be revised.

Block 4 External relations and Fundamental rights

Progress was made in respect of the functioning of the Office of the Commissioner for the Protection against Discrimination. Sufficient budgetary means and permanent premises for the Office were provided. The recruitment of new staff members is advancing further. The efforts for the sustainability and the proper functioning of the Office should continue. Efforts are needed to ensure proper implementation of the Antidiscrimination Act and the awareness of its existence in Albanian society. Additional efforts are needed to enhance the Ombudsman institution and its proper functioning. The Roma community constitutes the most vulnerable minority group in Albania, facing widespread poverty, socioeconomic marginalisation and frequent discrimination, particularly regarding access to education, social protection, health, employment and adequate housing. Implementation of the 2003 national strategy has been slow due to insufficient human and financial resources, inadequate coordination of all institutions involved at local and central level as well as deficiencies in the monitoring and evaluation mechanisms. Efforts in the implementation of the National Strategy on improving Roma living conditions and the National Action Plan for the Decade of Roma Inclusion 2010-2015 should continue. Sufficient human and financial resources should be provided for its implementation.

A seminar on better inclusion of Roma persons in Albania will take place in November 2011; it will review Roma policies with all relevant stakeholders in Albania in order to agree on concrete measures and recommendations for improving the situation of the Roma population.

Bosnia and Herzegovina

Block 1 Document security

The issuing of biometric passports is advancing according to the plan of the authorities of Bosnia and Herzegovina. Until 11 May 2011 689 357 biometric passports were issued. Over half a million passports recently issued are second generation biometric passports. No serious technical difficulties or cases of falsification were reported. All 46 international Border Crossing Points are connected to the database of lost and stolen passports. The municipal registers data are now fully digitalised.

Block 2 Illegal migration, including readmission

In the area of **border management**, the authorities of Bosnia and Herzegovina have prepared an update of the existing Integrated Border Management Strategy, which is to be adopted by the Council of Ministers in the coming months. Further progress has been made in upgrading the border infrastructure. The national authorities procured additional equipment which was installed and is being used. All the international Border Crossing Points have biometric passport readers. 29 Border Crossing Points have equipment for video surveillance in place. Progress was made in the classification of Border Crossing Points and in the closing of uncontrolled ones.

As regards **asylum**, preparatory work for the issuing of travel documents for refugees is finalised and the responsible national authority is ready to issue travel documents for refugees if an application is submitted. The number of asylum seekers from Kosovo*, the temporary protections status of which expired in 2007, has dropped. Further progress was made for the construction of the reception centre in Trnovo.

Block 3 Public order and security

In the area of the **fight against organised crime**, Bosnia and Herzegovina continues to make progress. There is a good level of implementation of the legislation. The Action Plan on the fight against organised crime is currently under revision and it will be adopted by the Council of Ministers after the finalisation of the inter-institutional consultation. There were a number of investigations in organised crime cases, in particular related to drugs trafficking and smuggling of persons. However, judicial follow up needs to be further strengthened.

In the area of the **fight against corruption**, additional efforts are needed to set up the Anti-corruption agency. The adoption of the law establishing the agency is a good initial step for enhancing the fight against corruption, but the appointment process of the new Director is not finalised and the recruitment of staff has not started yet. The adoption of the rulebook to regulate the work and procedures of the Agency is still pending. The number of investigations, indictments and convictions has increased.

Limited progress has been made on the **establishment of the electronic data exchange system**. The Ministry of Security is responsible for monitoring the implementation of the establishment of the system. As of January 2011, the responsibilities for the operational implementation of the system have been assigned to the Directorate for Police Coordination (DPC). Police agencies at State level have finalised their preparation. The tendering procedure has been launched. The shortage of human resources at *canton* level

* Under UNSCR 1244/1999.

remains and affects the introduction of data into the system, generating delays in its establishment.

Block 4 External relations and Fundamental rights

As regards the **protection of human rights**, further progress has been achieved, but sustained efforts are necessary to ensure better implementation. The role of the Ombudsman has been enhanced and the numbers of complaints received and treated have increased. The efforts for the effective human rights protection and the cooperation with civil society organisations should continue. Bosnia and Herzegovina should enhance the implementation of the anti-discrimination law and complement the existing legal framework. Additional training for judges and prosecutors is needed. Establishment of the databases of cases of discrimination is also important, as well as raising awareness among citizens.

Some progress can be reported concerning protection of the **Roma minority**, however the Roma continue to face very difficult living conditions and discrimination. The effectiveness and efficiency of measures are in need of further improvement. Progress was made towards implementing the Roma action plans and priority should be given to improving coordination and to establishing monitoring mechanisms. Efforts in the implementation of the Roma strategy should continue focussing on the tangible results in the areas of housing, health, education and employment.

A seminar on better inclusion of Roma persons will take place on 4 July 2011; it will review Roma policies with all relevant stakeholders in Bosnia and Herzegovina in order to agree on concrete measures and recommendations for improving the situation of the Roma population.

The former Yugoslav Republic of Macedonia

Block 1 Document security

Until March 2011 the authorities of the former Yugoslav Republic of Macedonia issued 1 125 000 travel documents. The capacity of the issuing office was strengthened. In accordance with the Law on travel documents, the deadline for replacement of the old passports expires in 2012. By the end of 2012 all citizens who intend to travel abroad should be in possession of biometric travel documents. Information on lost and stolen travel documents is regularly uploaded into the central Automatic Search Facility (ASF) database of Interpol.

Block 2 Illegal migration, including readmission

In the area of border management, all the strategic documents are in place. Implementation of the Integrated Border Management Strategy (IBM) continued. Since there are several actors involved in the process, duplication of tasks and dilution of responsibilities should be avoided. Intelligence and data-flow management at regional and local levels should be strengthened.

At the moment only 40% of the country's territory is covered by the TETRA system. There is a second phase of the project currently being implemented, which aims at covering 65% of the territory.

Training activities (including those on anti-corruption) for field officers are well implemented at all levels (strategic, tactical, and operational). However, there is a lack of curriculum for mid- and high-level officers.

In the area of **asylum**, all strategic documents are in place but few measures are actually being implemented. There are still significant delays in the issuing of the ID documents to asylum-seekers and refugees. There is no progress as regards the question of Kosovo refugees residing in the country.

There is a visible lack of budgetary resources for the Reception Centre in Vizbegovo. In April 2011 there were 78 asylum-seekers in the Centre and during 2010 accommodation was provided for 196 individuals. The shortages in staff contributed to the deterioration of the situation of the asylum-seekers accommodated in the Centre. Measures to improve the situation in the Centre should be taken swiftly by the authorities.

As regards **migration** the Law on Amendments and Supplements to the Law on Foreigners was adopted laying down the legal framework for establishment of the national Integrated Database for Foreigners, covering data on asylum and migration. The database is not yet operational.

The Ministry of Labour and Social Policy, in cooperation with the International Organisation for Migration (IOM), opened two Migration Services Centres in Skopje and Bitola (located within the Employment Agency). Two additional centres are scheduled to be opened in Strumica and Tetovo.

Block 3 Public order and security

In the area of fight against organised crime, there are important positive developments such as the ongoing project to establish a national intelligence database and to set up a national coordination centre for the fight against organised crime. The Action Plan for the enforcement of the new Criminal Procedure Code is being implemented and relevant amendments to the Criminal Code are already in place (particularly provisions on the trafficking in human beings, on compulsory confiscation of assets belonging to perpetrators and on smuggling of migrants in cases involving juvenile victims). Training of judges and prosecutors on the new provisions is also taking place.

However, structural problems of law enforcement agencies fighting organised crime can still be detected and understaffing of law enforcement agencies persists. Furthermore, human resources are not efficiently balanced between different law enforcement agencies: there is a surplus of police officers (in relation to the number of population), while the number of investigative judges and trial judges is not sufficient.

The interception of communications is used rarely. Such interceptions are only carried out by one unit that is part of the Fight against Organised Crime Centre, a circumstance which raises concerns over possible political interference. The role of the Minister of the Interior in the enforcement of interception orders has not been eliminated.

As regards the **fight against corruption**, the overall legal framework allows fighting corruption efficiently. The competences of some institutions involved are overlapping and coordination of their activities needs to be strengthened. As regards low-level cases of corruption the situation and measures undertaken by the authorities are satisfactory. In

terms of fighting corruption at high levels (procurement, licensing, political party funding, judiciary) there is no visible progress and efforts should be intensified.

The State Commission for Prevention of Corruption is an important tool in the prevention and the fight against corruption, but it is severely underfinanced and understaffed. The authorities should put more emphasis on and efforts into the repression of corruption. Law enforcement agencies should be more pro-active. Recourse to special investigative measures such as interception of communications remains rare and rather exceptional.

Block 4 External relations and Fundamental rights

The Law on prevention and protection against discrimination entered into force on 1 January 2011. It prohibits discrimination and ensures protection to all individuals and legal entities in the process of exercising the rights and freedoms guaranteed by the Constitution and the state laws. Generally, there is a genuine commitment of the authorities to address the problems that minorities are facing. This commitment should be backed up by financial resources to ensure the proper implementation of the measures envisaged.

The implementation of the Ohrid Framework Agreement (OFA) is ongoing and measures implemented focus on three objectives: education, employment and decentralisation.

However, Roma continue to face very difficult living conditions and discrimination. Implementation of the Roma Strategy and the action plans in the framework of the 2005-2015 Decade of Roma Inclusion as well as the commitment and cooperation of the line ministries could be improved. State funds remain insufficient in light of the challenges.

A seminar on better inclusion of Roma persons will take place in June 2011; it will review Roma policies with all relevant stakeholders in the former Yugoslav Republic of Macedonia in order to agree on concrete measures and recommendations for improving the situation of the Roma population.

Update on the measures taken and planned against the high inflow of unfounded asylum applicants to the EU

The authorities in Skopje have taken a number of measures to counteract the phenomenon of unfounded asylum applications in certain EU Member States. In order to fight this phenomenon a mix of short-term (information and awareness raising campaigns) and long-term measures (aiming at improving living conditions of the vulnerable groups of population) was needed. The second wave of migration at the end of 2010 proved that the short-term measures initiated by the authorities need to be strengthened and made more efficient.

In May 2011, the Commission was presented with an updated Action Plan with a set of measures to counteract the current problem with unfounded asylum-seekers. They include: regular reporting and analysis of the situation, a vast national and local media awareness raising campaign (including preparation of a documentary on negative experiences of returned asylum-seekers), meetings with local authorities and the public in municipalities of origin of asylum-seekers (with the presence of the EU Delegation and migration services of Member States concerned), meetings of local prevention councils in the municipalities, further operative controls on tourist agencies potentially involved in

misinforming the population about the asylum benefits, increased controls on border crossings and exchange of information with border services of neighbouring countries.

In order for the informative measures to be effective, the awareness raising campaigns should be more targeted and should also use minority languages.

Implementation of the EU-fYROM readmission agreement

The readmission agreement with the European Union entered into force on 1 January 2008. Implementing bilateral protocols have been concluded (or at least signed) under the Agreement by the following Member States: Estonia and Bulgaria. Ten protocols are in the final phase and expected to be signed soon: Austria, Belgium, Germany, Hungary, Italy, Latvia, Lithuania, Luxembourg, the Netherlands, and Slovakia. Negotiations with further Member States are planned. Bilateral readmission agreements are in place with Bosnia and Herzegovina, Croatia, Moldova and Switzerland.

The monitoring of the implementation of the agreement takes place in the Joint Readmission Committee. Three meetings of the Committee were convened (the last on 13 May 2011). Although Member States do not participate in the Committee meetings, they were closely associated with their preparation.

So far no major problems were raised with regard to the application of the agreement. The main point of concerns raised by a few Member States referred to cases of persons with no documents. The Member States concerned reported that in some cases of that kind, the interview procedure does not lead to the desired result. The former Yugoslav Republic of Macedonia was fully open to improve that situation. They pointed out that persons who have applied for a biometric passport and enjoyed the visa free regime could also be identified by their fingerprints.

Montenegro

Block 1 Document security

Since 1 January 2010 all Montenegrin citizens who wish to exit Montenegro have to be in possession of a biometric passport. Old non-biometric passports (blue form) were only valid for travel abroad until 31 December 2009 and can therefore not be used any more.

Until 5 May 2011, 276 411 biometric passports were issued to Montenegrin citizens. The process of issuing runs smoothly.

Block 2 Illegal migration, including readmission

As regards the area of **border management**, the border management strategy that was adopted in February 2006 is being implemented. All Border Crossing Points are connected into a unified information system and have on-line access to Interpol's database. All Border Crossing Points are equipped with optical passport readers for biometric data reading. All state services operating at the border have concluded a cooperation agreement.

Reconstruction work on border crossings is in progress and about 30% of the planned work has been completed. The tender procedure for the delivery of a video monitoring

system at the borders is in progress. Work on a system for electronic surveillance of the maritime borders has started.

Until 1 April 2011, 538 Montenegrin citizens were prevented from leaving Montenegro because they did not meet conditions for entering the EU and the Schengen zone countries (lack of funds for the intended stay; absence of reason for staying abroad; lack of return tickets or passengers health insurance) or for other reasons (minors without parental consent; previous completed stay of three months within the last six months in the EU).

As regards **asylum and migration**, the Strategy for Integrated Management of Migration in Montenegro (2011-2016) and the Action Plan for the implementation of the Strategy for 2011 and 2012 were adopted. Appointment of the Coordinating Body for monitoring the implementation of the Strategy is in process. The work on developing a Strategy for Reintegration of Persons who have returned on the basis of readmission agreements and the Action Plan for its implementation is not yet finalised. Construction of centres for foreigners is underway and completion is expected in the third quarter of 2011.

Block 3 Public order and security

In the area of the **fight against organised crime and corruption** two strategic documents were adopted in July and December 2010 respectively: the Strategy for Fighting Corruption and Organised Crime (2010-2014) and the Action Plan for its implementation (2010-2012). The Government has also established a National Commission to monitor the implementation of the Strategy.

In September 2010, the Strategy for the prevention and suppression of terrorism, money laundering and financing of terrorism for the period 2010-2014 was adopted together with an action plan for 2010-2012. In January 2011 a National Commission for implementation of the Strategy was established with the goal to manage, organise, coordinate and monitor the activities of state administration bodies and other competent institutions in implementing the Strategy.

The new Criminal Procedure Code introduced the prosecutor-led investigation model, use of special investigative measures, as well as extended confiscation and non-conviction-based confiscation. Initial steps were undertaken to strengthen the institutional and administrative capacity of law enforcement bodies; however their investigative capacities and cooperation remain insufficient. The importance of strengthening human resources and of establishing a solid track record of investigations, prosecutions and convictions, including for high level corruption, is to be underlined.

In high-level corruption cases criminal proceedings were initiated against 22 individuals; none of them was imprisoned however. There were so far no cases where extended confiscation was adjudicated for corruption. Nonetheless, a small amount of counterfeit products was seized in organised crime cases. As regards financial investigations, they are initiated upon a decision of the prosecutor or a request of the police. Reporting on links established between suspicious transactions and corruption should be strengthened. **Block 4 External relations and fundamental rights**

The anti-discrimination legal framework has been substantially improved with the adoption of the Antidiscrimination Act in July 2010. The implementation mechanisms for

preventing, monitoring, sanctioning and prosecuting discrimination cases need to be strengthened.

There are gaps in implementation of the legislation and existing strategies and action plans. There is a need for increased awareness of the administration, police and judiciary of standards in this field and sensitivity to them. To implement the anti-discrimination legal framework consistently, the Ministry of Human and Minority Rights conducts an extensive public awareness campaign, as well as training for institutions involved (the Ombudsman, the Ministry of Human and Minority Rights, the Police Directorate, judges and prosecutors, inspection services). The respect for and protection of minorities are broadly guaranteed. However, cooperation between the government and minority councils as well as the presence of persons belonging to minorities in public services, state authorities and local self-government bodies needs to be improved. The access of Roma, Ashkali and Egyptians to economic and social rights, in particular education and employment, is unsatisfactory.

A seminar on better inclusion of domiciled and displaced Roma persons was held on 28 April 2011. Concrete measures and recommendations were agreed, in particular as regards civil registration, education, employment and housing.

The Action Plan for displaced persons was adopted in 2009. Within the framework of the Instrument for Pre-Accession (IPA) 2011 project, 90 housing units will be constructed and activities focused on social inclusion (particularly regarding education and employment) will be carried out. Awareness raising campaign were launched, including the distribution of leaflets in Albanian and Romani. The adoption of the Government's Strategy on a sustainable solution to the Konik Camp issue is however still pending.

Serbia

Block 1 Document security

The issuance of new biometric documents continued. Until 8 April 2011 2 975 964 biometric passports were issued.

Since its establishment in 2009 and until 1 April 2011, the Coordination Directorate in Belgrade responsible for issuing travel documents to person residing in Kosovo received 29 800 applications and issued 25 000 passports. The issuing through the Coordination Directorate is well organised. The procedure for issuing passports via the consular missions to Serbian citizens living abroad is reliable. An element of concern is that the validity of old (blue) passport was extended until the end of 2011 and that further extensions could be adopted.

In connection with bogus residence changes from Kosovo, investigations have been launched and a number of police officers arrested. Efforts should continue to strengthen controls over residence changes from Kosovo to Serbia and to harmonise the issuance of breeder documents in order to avoid any possibility of falsification.

Block 2 Illegal migration, including readmission

In the area of **border management**, the IBM Strategy and the Action Plan are being updated in order to also take into account the new developments of the EU legal framework. It will be crucial to provide sufficient resources to implement action plans

related to the development of the national border security system. Further efforts are needed for the coordination among the relevant agencies.

Cooperation with Frontex is developing in several fields after the signing of the Working Arrangements Agreement. The Serbian Border Police is part of the Frontex Risk Analysis Network and is contributing actively to Joint Risk Analysis.

As regards the Administrative Boundary Line, the security level there is in need of further strengthening. More efforts are especially needed to properly implement the police protocol with EULEX at the Administrative Boundary Line. It is crucial that practical cross-border communication and cooperation are organised and implemented efficiently.

As regards **migration management**, the core legal instruments (Law on Foreigners and its bylaws) are in place, but the central database is not yet fully operational. The Law on Migration and the Action Plan for the implementation of the Strategy for Migration Management has not yet been adopted. The appointment of the Commissariat for Refugees as the new Migration Agency should be carried out as soon as possible.

The Readmission office and its office at the airport are working well. The Strategy and Action plan for Combating of Illegal Migration are also being implemented. Attention should be given to the proper allocation of financial and human resources.

Block 3 Public order and security

In the area of **fight against organised crime and corruption** the relevant structures and legal framework are in place to effectively tackle organised criminal and corruption offences. However the lack of human and financial resources remains a concern for effective implementation.

Inter-institution cooperation is improving, but an information-exchange system that would allow secure and prompt information exchange among all relevant institutions is missing. The lack of a centralised information database hampers the effectiveness of the investigations and quality of data for both domestic and international cooperation.

Serbia is preparing the adoption of a new Criminal Procedural Code (CPC) that would transfer the leading role during the pre-investigation phase from the Investigative Judge to the Prosecutor. The new CPC could enhance the overall efficiency of the investigative process and procedure and at the same time eliminate overlaps between prosecutors and investigative judges.

A working group has been set up to develop a new Anti-corruption Strategy and related Action Plan. The Minister of Justice has been appointed coordinator for anti-corruption policies in May 2011.

The Anti-Corruption Agency became operational in 2010. Additional efforts are necessary to provide it with adequate human and financial resources to allow the agency to carry out its tasks effectively, as well as with instruments such as allowing access to other institutions' databases.

Block 4 External relations and fundamental rights

The general legal and institutional framework for anti-discrimination policies is in place, however further efforts are needed to ensure proper implementation. Implementation of the strategies and action plans relevant to the integration of minorities, including Roma, needs to continue and has to be more effective. While the poor living conditions of the Roma population are partly due to the generally bad economic conditions, in particular in

the south of Serbia, further efforts are needed to legalise illegal settlements, to avoid forced evictions and to provide basic infrastructure such as water and energy supplies. Civil registration of all Roma and access to social welfare benefits and healthcare should be ensured. Further efforts should be made to improve the employment situation of Roma, including within the public sector.

A seminar on better inclusion of Roma persons in Serbia will take place on 21 and 22 June 2011; it will review Roma policies with all relevant stakeholders in Serbia in order to agree on concrete measures and recommendations for improving the situation of the Roma population.

Update on the measures taken and planned against the high inflow of unfounded asylum applicants to the EU

The Serbian authorities have taken a number of measures to counteract the phenomenon of unfounded asylum applications in certain EU Member States. A Commission for Monitoring the Enforcement of Visa Liberalisation was established and chaired by the Director of the Border Police. The Commission is tasked to monitor the problem and to propose short- and long-term measures with a view to address the problem.

Information campaigns were organised and the Ministry of Interior, in cooperation with the EU Delegation to Serbia, printed and distributed information on requirements for legal and safe travel to the EU. These information leaflets are continuously distributed to Serbian citizens at the border crossings in the Republic of Serbia.

The Serbian Ministry of Interior applies the urgent procedure mechanism for daily resolution of all applications for return of Serbian citizens under the Readmission Agreement. Measures include the accelerated checking of biometric data in the issued travel documents database and the provision of relevant persons' fingerprints.

Enhanced control at border crossings upon leaving the country was introduced to prevent the abuse of the visa-free regime (control of return tickets, requesting evidence on sufficient means for subsistence in the Schengen area).

The authorities investigated the possible involvement of travel agencies and individuals in organised departures of Serbian citizens to EU countries; an organised crime link has not been proven, however.

Non-government organisations contributed to the campaign against unfounded asylum applications through workshops, the preparation of information materials and supporting returnees.

Implementation of the EU-Serbia readmission agreement

The readmission agreement with the European Union entered into force on 1 January 2008. Implementing bilateral protocols have been concluded under the Agreement by the following Member States: Austria, France, Germany, Great Britain, Hungary, Italy, Malta, Slovakia and Slovenia. Seven protocols are in the final phase and expected to be signed soon: Belgium, Bulgaria, Estonia, Luxembourg, the Netherlands, Portugal, and Romania. Negotiations with further Member States are planned. Bilateral readmission agreements are in place with Bosnia and Herzegovina, Canada, Croatia, Denmark, the former Yugoslav Republic of Macedonia, Moldova, Norway and Switzerland.

The monitoring of the implementation of the agreement takes place in the Joint Readmission Committee. Three meetings of the Committee were convened (the last on 28 April 2011). Although Member States do not participate in the Committee meetings, they were closely associated with their preparation.

So far no major problems were raised with regard to the application of the agreement. To achieve a timelier process, Serbia agreed to process requests and receive answers through email. The main point of concern raised by a few Member States referred to cases of persons with no documents. The Member States concerned reported that in some cases of that kind, the interview procedure does not lead to the desired result. Serbia was fully open to improve that situation. Serbia promised that the consular offices would be instructed to fully cooperate during that procedure. If necessary an expert meeting dealing with this topic might be convened with the Member States concerned. Serbia further pointed out that persons who have applied for a biometric passport and enjoyed the visa free regime could also be identified by their fingerprints.

IV. **Scope 2: Prevention mechanism against abuse of visa liberalisation by persons from the Western Balkan countries**

Following the first decision at the end of 2009 to grant visa free travel to three Western Balkan countries (the former Yugoslav Republic of Macedonia, Montenegro and Serbia), in 2010 some EU Member States have experienced two waves of **increasing numbers of asylum seekers**. The figures gathered until the end of 2010 indicated a sharp increase in the number of unfounded asylum applications from Serbia and the former Yugoslav Republic of Macedonia to some Member States (in particular Belgium, Sweden and Germany).

The Frontex Tailored Risk Analysis (TRA)¹ has provided important clarifications on the methods and reasons for the increase of unfounded asylum applications.

First, the reasons for asylum claims: lack of health care, unemployment and lack of schooling are the most frequent reasons for leaving the country of origin.

Second, the transport method and entry points into the EU: the interviews with roughly 1 000 failed asylum seekers who have returned to Serbia suggest that only 8% travelled to the EU by air. The remainder were using regular bus routes (more than two thirds) or private cars/vans and entered the EU legally at the Serbian-Hungarian border. Similarly, Member States reported that the vast majority of asylum seekers arrived by land with regular bus companies after having entered the EU legally.

Third, the asylum recognition rates² for applicants from both countries are very low, below 1%. Unsuccessful asylum applicants whom the Serbian authorities could interview on their return claimed that they had decided to travel to Belgium or Sweden after

¹ Frontex Tailored Risk Analysis of 24 February 2011.

² The '**recognition rate**' refers to a share of positive decisions (those granting either refugee status or subsidiary protection (Directive 2004/83)) or humanitarian status (national law)) in the total number of decisions in first instance procedures. The total number of decisions consists of positive and negative decisions. Eurostat data was used.

receiving recommendations to do so from neighbours or relatives (some of them already abroad). This was also confirmed during the April 2011 assessment mission in Serbia.

Finally, as regards the ethnic background and geographical distribution, an estimated 80% of all asylum seekers from Serbia and the former Yugoslav Republic of Macedonia were Roma (Romani speaking), mostly from south Serbia, but also from the central and northern part (Vojvodina). The remaining 20% were ethnic Albanians from the former Yugoslav Republic of Macedonia and Serbia. Their geographical distribution largely corresponds to the regions in Serbia and the former Yugoslav Republic of Macedonia with the highest Roma or ethnic Albanian population density.

The Commission has taken immediate steps to address the situation, in partnership with the Member States concerned. A series of **high level meetings** were held with the **Ministers of Interior** of Serbia and the former Yugoslav Republic of Macedonia and representatives of the Commission services have participated in the high-level visits organised by the Belgian and Swedish authorities to the countries. Based on the information gathered in the course of the mentioned activities, the Commission proposed a number of **follow-up measures** for the Western Balkans countries and monitored their implementation via the EU Delegations.

The relevant authorities of the two countries have, on their side, reacted and taken measures as requested by the Commission to start countering the phenomenon, as detailed above under section III. **New information campaigns** were organised to inform the citizens on the rights and obligations of visa free travel, while **controls on the ground** were strengthened, including on tourist agencies. Moreover, instructions were given to the border police to perform increased controls upon exiting the country (checking return tickets and requesting evidence for possessing sufficient financial means intended for the stay in the Schengen zone) and to inform the travelers about risks of unfounded application for asylum. Finally, with a view to better managing the different actions aimed at reducing the numbers of unfounded asylum applications, both countries of origin set up **inter-ministerial committees**. The activities of these bodies have been intensified during 2011.

The first months of 2011 currently show a still high, but steady trend in the numbers of asylum seekers coming to the EU from the Western Balkan region, mostly from Serbia and the former Yugoslav Republic of Macedonia.

The top destination countries remain Belgium, Sweden and Germany. Stable trends remain for Germany and Belgium while for Sweden new increases are registered. Apart from these trends a new development for the beginning of the year was the high numbers of applications to Luxembourg, whose asylum system is under pressure.

The **assessment expert missions** confirmed that the majority of people continue to choose the same EU countries as destination, because of information which they receive from friends and relatives who have already travelled to these countries. Most of them are also aware that there is little chance for their asylum request to be granted, but feel that they prefer to try their chances anyway.

As regards the underlying reasons for the high number of asylum applications which are subsequently judged to be unfounded, the **duration of asylum procedures** and the associated length of authorised stay in a given Member State have been identified to be

relevant **factors** which are taken into account by the would-be asylum seeker. The Member States that are mostly frequently targeted by these asylum requests have been able recently to largely decrease the average processing time for manifestly unfounded asylum applications from the citizens of Serbia and the former Yugoslav Republic of Macedonia.

During the last month, **refusals of entry** at the external land borders continued to be issued mostly to Albanians, followed distantly by Serbian nationals. By and large, an existing entry ban remained the most prevalent reason for refusals issued by Greece, Hungary and Slovenia. Most interestingly, an increase in refusals for reasons that could be associated with possible subsequent abuse of the asylum systems in destination Member States has been also observed **in the last weeks**. Following bilateral contacts between the authorities concerned Hungary has refused entry to almost 50% more Serbian nationals due to the lack of sufficient financial means, in line with the Schengen acquis.

Most asylum seekers from Serbia and the the former Yugoslav Republic of Macedonia have shown a general willingness to **return voluntarily** after their claim was rejected. On the basis of the interviews made during the assessment missions, it appears that most of these persons have actually returned; however, exact numbers are unavailable since there is no verification system yet in place for voluntary returns. As regards **forced returns** both countries of origin are cooperating well with EU Member States in accordance with the EU readmission agreements. Some particular concerns (mainly the readmission of persons with no documents) of a limited number of Member States were addressed during the Joint Readmission Committees organised recently. Both countries showed full openness to address those technical deficiencies. In particular, both countries stressed their willingness to cooperate in the identification of persons on the basis of fingerprints. In addition, the Serbian Ministry of the Interior gave assurances to all EU Member States that it could accommodate all requests for readmission of new biometric passport holders from Serbia within 48 hours, i.e. much faster than the legally required period (10 days according to the EU-Serbia readmission agreement).

Illegal stays of nationals from the five visa-exempt Western Balkan countries continue to decline. Member States detected almost 45% less illegally staying third country nationals from the five visa-exempt Western Balkan countries in March 2011 (when compared to the same period in 2010). Albanian nationals have seen the single largest decline in detections of illegal stay, mostly due to Greece recording a drop of almost 70%. The declining rate of illegal stay is an additional indication that visa liberalisation could actually contribute to alleviating the overstaying problem.

V. Conclusions

The Commission services consider that the monitoring mechanism currently in place functions in an effective way and provides the necessary tools to monitor both the continuous implementation of benchmarks by the Western Balkan countries and the migration flows between these countries and the EU. The alert mechanism has the capacity to help the Commission and EU decision-makers to understand the nature of the current phenomenon, to assess its developments and to prepare for possible future measures and decisions.

Maintaining the Frontex alert in place is crucial for the Commission and for the EU Member States to be able to continue the effective monitoring of the situation and migration flows between the Western Balkans region and the EU. The alert mechanism

should therefore be continued at least for the next six months. An assessment concerning its further extension will be made by the end of this year.

Based on the monitoring that has been carried out in the last six months, the following conclusions can be made:

- (1) It is important to note that the majority of travellers from the countries concerned are **bona fide travellers** and thus the original objective of the visa liberalisation dialogues - to facilitate people to people contacts, enhance business opportunities and cultural exchanges and give the possibility for the people of the region to get to know the EU better- is being fulfilled.
- (2) Implementation of the reforms by the Western Balkan countries continued, but **continuous** and in some cases **reinforced efforts** are needed from the authorities to maintain/strengthen the positive achievements of the visa liberalisation dialogues. This is of key importance not only for the **credibility** of the whole **visa dialogue process**, for which substantial efforts were made by the countries of the region, but also for progress in the framework of the Stabilisation and Association Process.
- (3) The current problem of the high numbers of unfounded asylum applications in certain Member States appears to relate to large extent to the situation of **minority populations** in their country of origin, as the large majority of these persons are of Roma origin with extremely poor living conditions and no prospect of improvement in the near future. Their main reason for leaving their country of origin is economic, based on false perceptions of financial advantages that they will acquire by requesting asylum in certain Member States.
- (4) The overall evaluation of the implementation of the EU Readmission agreements with all the countries is quite positive. Only a few concerns were signalled by a limited number of Member States. Those points have been addressed both in the framework of the readmission committee meetings and on a bilateral basis in particular for the countries concerned by rising illegal migration flows.

The countries of the region appear to be committed to finding solutions to the current problems as keeping the achievement of visa free travel is of crucial importance. Through the inter-ministerial committees that were established for this purpose, a number of immediate measures have been taken over the past months; the committees are working together with the Commission and the relevant Member States to put in place additional measures that are deemed necessary. It is clear that their impact on the ground may take some time to become visible in the monitoring mechanism.

On the basis of the above conclusions, it appears appropriate to identify the following actions as necessary follow-up measures:

- (1) **Continued and enhanced cooperation** with the authorities of the Western Balkan countries is necessary to monitor and overcome the difficult situation faced by some EU Member States. This cooperation should be based on regular information exchange between Commission, Member States most frequently targeted by these asylum requests and the countries of the region.

- (2) **Continuing targeted information campaigns** both by the countries concerned and by the Commission with the participation of the EU Delegations and targeted Member States. The Commission services will develop a specific information tool that could be used for the information campaigns and can be continuously distributed via the EU Delegations. Apart from describing the rights and obligations of visa free travel, this information material should also clearly explain that the abuse of rights under the visa free regime will not produce financial benefits to the person concerned.
- (3) **Increasing and targeting assistance to minority populations**, in particular Roma communities, in the countries of origin. This should include assistance of the authorities of the concerned countries, available EU assistance and bilateral assistance of Member States. The Commission services are ready to put additional emphasis on further strengthening its assistance provided under TAIEX and the Instrument for Pre-Accession (IPA).
- (4) Encouraging the countries of origin and transit States to **increase controls at borders**, in line with the Schengen acquis, with a view to avoiding – as far as possible - abuse of the visa free travel. For this purpose, Frontex could facilitate cooperation and exchange of information between all parties concerned.
- (5) **Entry bans**: the Commission services will continue consultation with the relevant EU Member States and with the countries of origin to find a durable solution to the current situation. In cases of repeated or particularly serious non-compliance of an individual with EU migration rules, Member States can issue entry bans in accordance with Directive 2008/115/EC³. Such entry bans should always be entered into the Schengen Information System (SIS).

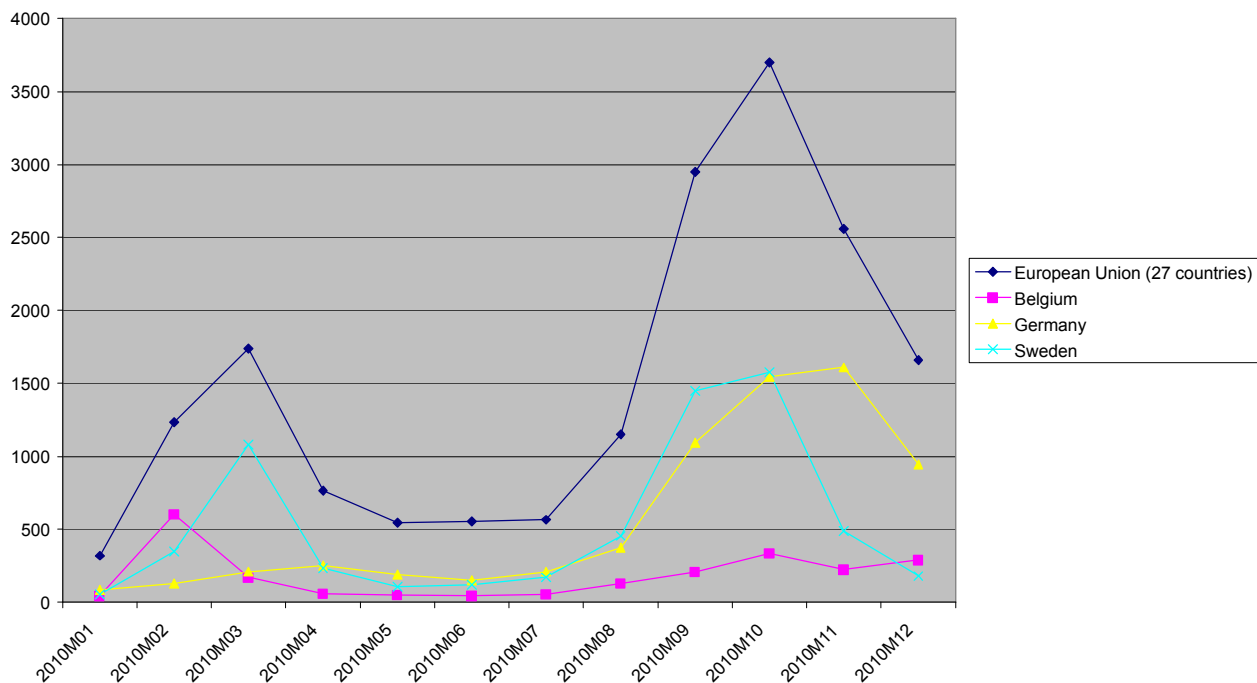
³ Directive 2008/115/EC of 16 December 2008 on common standards and procedures in Member States for returning illegally staying third-country nationals, OJ L 348 of 24.12.2008, p. 98.

Statistical annex – Asylum data

Source: EUROSTAT

SERBIA

Monthly asylum applications of Serbian nationals in EU, DE, BE and SE, 2010



Monthly asylum applications from Serbian citizens in EU and all Member States, 2010

GEO/TIME	2010M01	2010M02	2010M03	2010M04	2010M05	2010M06	2010M07	2010M08	2010M09	2010M10	2010M11	2010M12
European Union	320	1235	1740	765	545	555	565	1150	2950	3700	2560	1660
Belgium	45	605	170	60	50	45	55	130	210	335	225	290
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0
Czech Republic	0	0	0	0	0	0	0	0	0	0	0	0
Denmark	5	10	15	20	10	15	20	15	25	50	50	30
Germany	85	130	210	250	190	150	210	375	1095	1545	1610	945
Estonia	0	0	0	0	0	0	0	0	0	0	0	0
Ireland	0	0	0	0	0	5	0	0	0	0	0	0
Greece	0	0	0	0	0	0	5	5	0	0	0	0
Spain	0	5	0	0	0	0	0	0	0	0	0	0
France	35	40	75	110	70	40	65	80	50	85	65	80
Italy	50	40	105	30	75	130	5	10	30	20	0	0
Cyprus	0	0	0	0	0	0	0	0	0	0	20	25
Latvia	0	0	0	0	0	0	0	0	0	0	0	0
Lithuania	0	0	0	0	0	0	0	0	0	0	0	0
Luxembourg	0	0	0	0	0	0	5	5	15	35	45	40
Hungary	10	15	5	0	5	10	0	0	5	5	0	0
Malta	0	0	0	0	0	0	0	0	0	0	0	0
Netherlands	10	10	5	5	5	0	5	0	5	0	5	15
Austria	15	20	35	25	15	15	25	45	40	45	40	40
Poland	0	0	0	0	0	0	0	0	0	0	0	0
Portugal	0	0	0	0	0	0	0	0	0	0	0	0
Romania	0	0	0	0	0	0	0	5	0	0	0	0
Slovenia	0	0	0	0	5	5	0	0	0	0	0	0
Slovakia	0	0	0	5	0	0	0	0	0	0	0	0
Finland	0	5	35	20	10	25	0	30	10	0	5	10
Sweden	55	350	1080	235	105	120	170	455	1450	1575	490	180
United Kingdom	0	0	0	0	5	0	0	0	0	0	0	0

Monthly asylum applications, Serbian nationals, first quarter of 2011

GEO/TIME	2011M01	2011M02	2011M03
Belgium	245	230	330
Bulgaria	0	0	0
Czech Republic	:	:	:
Denmark	10	30	:
Germany	665	515	480
Estonia	0	0	0
Ireland	0	0	:
Greece	0	0	:
Spain	0	0	0
France	80	70	:
Italy	10	0	:
Cyprus	15	20	:
Latvia	0	0	:
Lithuania	0	0	0
Luxembourg	45	100	180
Hungary	0	0	:
Malta	0	0	0
Netherlands	10	15	0
Austria	25	35	20
Poland	0	0	0
Portugal	0	0	:
Romania	0	0	0
Slovenia	5	0	5
Slovakia	0	0	0
Finland	5	0	0
Sweden	110	175	260
United Kingdom	0	0	:
EU	1225	1190	n/a

Data for March 2011 are not yet available for some Member States

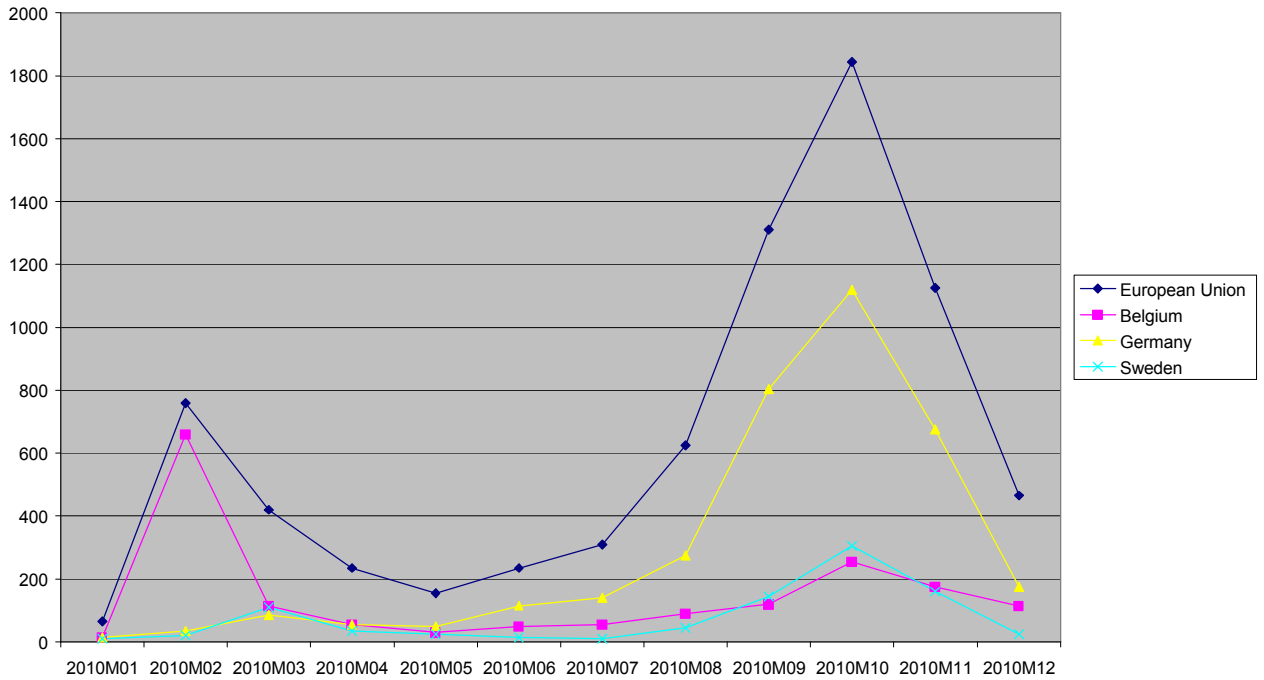
Decisions taken and positive decisions, Serbian applicants, 2010

Serbia 2010	Decisions taken	Positive decisions	% of positive on total
Belgium	960	115	12.0
Bulgaria	0	0	
Czech Republic	0	0	
Denmark	230	10	4.3
Germany	4830	30	0.6
Estonia	0	0	
Ireland	5	0	0.0
Greece	5	0	0.0
Spain	5	0	0.0
France	630	45	7.1
Italy	525	50	9.5
Cyprus	35	5	14.3
Latvia	0	0	
Lithuania	0	0	
Luxembourg	:	:	
Hungary	35	0	0.0
Malta	0	0	
Netherlands	70	0	0.0
Austria	395	30	7.6
Poland	0	0	
Portugal	0	0	
Romania	0	0	
Slovenia	5	0	0.0
Slovakia	5	0	0.0
Finland	100	0	0.0
Sweden	4760	25	0.5
United Kingdom	5	0	0.0
European Union	12600	310	2.5

NB: Decisions taken in 2010 do not necessarily relate to applications introduced during that year. A 2010 decision could concern an application introduced in 2009 or before.

FYROM

Monthly asylum applications from FYROM citizens in EU, DE, BE and SE, 2010



Monthly asylum applications from FYROM citizens in EU and all Member States, 2010

GEO/TIME	2010M01	2010M02	2010M03	2010M04	2010M05	2010M06	2010M07	2010M08	2010M09	2010M10	2010M11	2010M12
European Union	65	760	420	235	155	235	310	625	1310	1845	1125	465
Belgium	15	660	115	55	30	50	55	90	120	255	175	115
Bulgaria	0	0	0	0	0	0	0	0	0	0	0	0
Czech Republic	0	0	0	0	0	0	0	0	0	0	0	0
Denmark	0	0	5	0	0	0	0	0	0	10	0	0
Germany	15	35	85	55	50	115	140	275	805	1120	675	175
Estonia	0	0	0	0	0	0	0	0	0	0	0	0
Ireland	0	0	0	0	0	0	0	0	0	0	0	0
Greece	0	0	0	0	0	0	0	0	0	0	0	0
Spain	0	5	5	0	0	0	0	0	0	0	0	0
France	5	30	40	40	30	25	20	35	115	85	55	115
Italy	20	0	5	10	0	10	35	0	0	10	5	0
Cyprus	0	0	0	0	0	0	0	0	0	0	0	0
Latvia	0	0	0	0	0	0	0	0	0	0	0	0
Lithuania	0	0	0	0	0	0	0	0	0	0	0	0
Luxembourg	0	0	0	0	0	0	0	0	0	5	5	5
Hungary	0	0	0	0	0	0	0	0	0	0	0	0
Malta	0	0	0	0	0	0	0	0	0	0	0	0
Netherlands	0	0	40	25	5	5	40	60	110	50	35	15
Austria	0	10	10	5	5	10	10	115	10	5	0	10
Poland	0	0	0	0	0	0	0	0	0	0	0	0
Portugal	0	0	0	0	0	0	0	0	0	0	0	0
Romania	0	0	0	0	0	0	0	0	0	0	0	0
Slovenia	0	0	0	0	0	0	0	0	0	0	0	0
Slovakia	0	0	0	0	0	0	0	0	0	0	0	0
Finland	0	0	0	5	0	0	0	0	5	0	5	0
Sweden	10	20	110	35	25	15	10	45	145	305	160	25
United Kingdom	0	0	0	0	0	0	0	0	0	0	0	0

Monthly asylum applications from FYROM nationals, first quarter 2011

GEO/TIME	2011M01	2011M02	2011M03
Belgium	115	165	175
Bulgaria	0	0	0
Czech Republic	:	:	:
Denmark	0	0	:
Germany	140	105	205
Estonia	0	0	0
Ireland	0	0	:
Greece	0	0	:
Spain	0	0	0
France	90	45	:
Italy	0	0	:
Cyprus	0	0	:
Latvia	0	0	:
Lithuania	0	0	0
Luxembourg	10	10	20
Hungary	0	0	:
Malta	0	0	0
Netherlands	5	5	10
Austria	10	15	10
Poland	0	0	0
Portugal	0	0	:
Romania	0	0	0
Slovenia	0	0	0
Slovakia	0	0	0
Finland	0	0	0
Sweden	40	45	95
United Kingdom	0	0	:
EU	410	390	n/a

Data for March 2011 are not yet available for some Member States

Decisions taken and positive decisions, FYROM applicants, 2010

FYROM 2010	Decisions taken	Positive decisions	% positive on total
Belgium	390	25	6.4
Bulgaria	0	0	
Czech Republic	0	0	
Denmark	15	0	0.0
Germany	2480	5	0.2
Estonia	0	0	
Ireland	0	0	
Greece	0	0	
Spain	20	0	0.0
France	340	15	4.4
Italy	110	5	4.5
Cyprus	0	0	
Latvia	0	0	
Lithuania	0	0	
Luxembourg	:	:	
Hungary	0	0	
Malta	0	0	
Netherlands	320	0	0.0
Austria	210	5	2.4
Poland	0	0	
Portugal	0	0	
Romania	0	0	
Slovenia	0	0	
Slovakia	0	0	
Finland	10	0	0.0
Sweden	630	5	0.8
United Kingdom	10	0	0.0
European Union (2)	4535	60	1.3

NB: Decisions taken in 2010 do not necessarily relate to applications introduced during that year. A 2010 decision could concern an application introduced in 2009 or before.