

ACTION PLAN FOR CHAPTER 24 – INTRODUCTION

I CHRONOLOGY OF EVENTS IN THE DEVELOPMENT OF THE ACTION PLAN FOR CHAPTER 24

The Ministry of the Interior of the Republic of Serbia is involved in the negotiating process with the European Union as the “lead” Ministry in the Negotiating Group for Chapter 24 – Justice, Freedom, and Security.

Pursuant to the Decision of the Government of the Republic of Serbia 05 no. 02-7957/2014-1 of 24 July 2014, the Negotiating Group was established for negotiations under Chapter 24 – Justice, Freedom, and Security. The Group consists of its Head, Deputy Head, Secretary and Deputy Secretary, all from the Ministry of the Interior of the Republic of Serbia, and it is chaired by the State Secretary in the Ministry of the Interior, Mr Aleksandar Nikolić. The role of the Negotiating Group is to coordinate and monitor the activities in the framework of Chapter 24.

The explanatory screening meeting for Chapter 24 took place on 2-4 October 2013 in Brussels.

It was followed by the bilateral screening meeting for Chapter 24 which was held on 11-13 December 2013 in Brussels, Belgium.

The Draft Screening Report (from the explanatory and bilateral screening meetings) was submitted on 15 May 2014. Immediately after its submission, the drafting of the Action Plan for Chapter 24 commenced on the basis of the recommendations provided in the Draft Report.

On the premises of the EU Delegation in Belgrade on 18 July 2014 a video conference was organised with the representatives of the European Commission in Brussels regarding the development of the action plans for the negotiating chapters 23 and 24 based on the recommendations from the Screening Reports, where all open issues were discussed. The final Screening Report was submitted on 28 July 2014.

The second video conference between the representatives of the European Commission and representatives of the working groups for the development of the action plans for Chapter 23 - Judiciary and Fundamental Rights and Chapter 24 - Justice, Freedom, Security was held on 27 August 2014. The meeting deliberated over the remaining outstanding issues the resolution of which was a precondition for the first Draft Action Plan to be submitted to the European Commission.

As a result of all these activities, on 8 September 2014 the first Draft Action Plan for meeting the criteria of the European Commission for opening negotiations for Chapter 24 was submitted to the European Commission for their opinions and comments.

Having received the comments on the first Draft Action Plan and in order to produce a better new draft, we reviewed the experiences and best practices of the

Republic of Croatia and Montenegro, the countries that had successfully completed this part of the accession process.

In line with this, on 14-15 October 2014 a two-day workshop was held on the implementation of the recommendations obtained from the European Commission regarding the first Draft Action Plan. The workshop was organised in cooperation with the UNDP, Swedish National Police Board and representatives of the former Croatian negotiating body for joining the EU.

After that, on 17-18 November 2014 the representatives of the Negotiating group for Chapter 24 paid a visit to the Ministry of the Interior of Montenegro in order to exchange experiences regarding the European integration process and the methodology of development of the Action Plan in particular.

The second Draft Action Plan was agreed upon at the workshop held on 15-17 December 2014 in Kovačica, the Republic of Serbia, in order to elaborate the financial part of the Action Plan, harmonize the terminology, achieve horizontal uniformity when planning activities, and plan all institutional and staff capacities and changes envisaged by the Action Plan.

Finally, on 23-24 December 2014, the Negotiating Group visited the Ministries of the Interior and Foreign Affairs of Montenegro where they harmonised, together with their counterparts involved in the process of accession of Montenegro to the European Union, all the deadlines contained in the Action Plans of the two countries for Chapter 24 related to the cooperation between the Republic of Serbia and Montenegro such as blocking points used to illegally cross the state border, signing bilateral agreements, etc.

Serbia has opted for a model where civil society organizations are indirectly involved in the negotiation process, i.e. they take part in the process through submitting their suggestions on how to formulate positions and preparing materials, but not directly as members of the negotiating team.

So far, the competent services of the Government of Serbia have organised for civil society organizations “attendance” to the screening meetings via the Internet, as well as subsequent briefings with Chief Negotiator, MsTanjaMišćević, and heads of subgroups for Chapters 23 and 24.

With a view to involving civil society in the negotiation process, a group of six NGOs created a network “npEYrOBop” (Serbian: prEUgovor) in May 2013 in order to monitor the implementation of policies focusing on Chapter 23 and 24. “npEYrOBop” gathers the Belgrade Centre for Security Policy, ASTRA, Serbian Centre for Investigative Reporting, Centre for Applied European Studies, Group 484 and Transparency Serbia. In autumn 2013, these organizations presented their Report on the implementation of the EC 2012 recommendations to Serbia.

The first meeting was held on January 30 2015, after which Negotiating group received written contributions as well. Based on inputs from civil society, changes were included in the third version of the Action plan, in order to improve transparency of the implementation of the Action plan, and many indicators were also improved. Also, it was added that the cooperation with civil society will continue after adoption of the Action plan and that the reports on the

implementation of the Action plan are going to be published on the website of the MoI. This will be followed with the new cycle of consultations on the achieved results and impacts of the Action plan.

II METHODOLOGY OF DEVELOPMENT OF THE ACTION PLAN AND ITS STRUCTURE

Immediately after the bilateral screening meeting, the Republic of Serbia started preparatory activities for the development of the Action Plan for Chapter 24 (hereinafter referred to as: AP 24). A decision was made to appoint Head of the Strategic Planning Bureau of the Ministry of the Interior of the Republic of Serbia as Coordinator for the development of AP 24; coordinators for each subchapter were also appointed and it was decided that employees of the Strategic Planning Bureau, Finance and Budgeting Department and IPA-funded Projects Department in the Ministry of the Interior would provide expert assistance in the development of AP 24 for each subchapter.

As part of the preparations, a one-day workshop was held with the Results-Based Management expert of the Swedish Police, Ms Karin Delin, with support of the Swedish National Police Board. The participants were the representatives of public administration authorities who will take part in the development of the Action Plans for Chapters 23 and 24.

The participants having been presented with the past activities regarding explanatory and bilateral screening meetings, they started developing a model for presenting measures and activities for the implementation of EC recommendations (hereinafter referred to as: the log frame) for AP 24. Prior to the workshop, a log frame had been prepared which had been analyzed and elaborated at a one-day workshop with the Strategic Planning Bureau staff who provided expert support to the subchapter coordinators in the development of Draft AP 24. This log frame was developed for the Migration area as an example and it was presented in Brussels in June 2014. Having obtained recommendations from the EC, the final version of the AP 24 log frame was developed.

According to the final log frame that was aligned with the comments of the European commission, the Draft AP 24 begins with Introduction to AP 24 and is based on the Recommendations from the Screening Report. The Expected result was defined as well as the Impact assessment indicators. When defining values of these indicators attention was paid to align them with results indicators. The Activities for achievement of a specific goal were planned to be complemented with Implementing authorities, Deadlines for their implementation, Results indicators and the Resources necessary for their implementation. Whole document uses results based management approach. The chain of results is established, but the terminology is slightly different. In terms of result based management, expressions from the document should be understood as follows:

Comment [A1]: Please provide an indication on periodicity and on how the civil society will be involved in the implementation of the AP

Comment [A2]: Involvement of civil society is explained in more details in part V Reporting, monitoring and evaluation of the action plan implementation.

Comment [A3]: Negotiation group for Chapter 24 will continuously inform the Organisation of civil society about the progress of the implementation of the Action plan minimum two times per year, every six months, on a meeting which will be organized for this occasion

- Result indicators are defined on the level of outputs, and they correspond with activities;
- Overall results are defined on the level of outcomes, and they correspond with EU recommendations;
- Impact indicators are defined on the level of impacts on wider society. They also correspond with EU recommendations;
- Resources are defined in terms of money, based on standard cost model;
- Deadlines are defined as ending date of the activity, if not stated otherwise. When a deadline is defined as continuous that means that the activity will be conducted until the accession to the EU.

Civil society organizations are also involved in the preparation of the Draft AP 24. Experts from the European Policy Centre, engaged by SIDA-SIPU, held a three-day workshop entitled Basic training for ex-ante strategic documents impact assessment for MoI staff who will take part in the development of Draft AP 24.

The next step in the development of AP 24 was made at a one-day workshop for the representatives of public administration authorities who are involved in the development of AP 24 proposal that was held on 24 March 2014, supported by the Swedish National Police Board. The representatives of the MoI's Strategic Planning Bureau, who are experienced in strategic development and who have completed the training course on "Working with Impact Assessment in the EU" at EIPA, Maastricht, presented advantages of impact assessment to be applied in the course of development of Draft AP 24.

After that, the representatives of the Strategic Planning Bureau who provide expert support to coordinators in the development of Draft AP 24 familiarized themselves with the latest methodology for the development of indicators for monitoring and evaluation of the projects financed from the Internal Security Fund and Asylum, Migration and Integration Fund at EIPA, Maastricht.

In order to ensure harmonized approach in the development of Draft AP 23 and AP 24, as well as horizontal quality inspection for each AP, on 19-20 May 2014 the representatives of the Ministry of Justice of Montenegro and Strategic Planning Bureau of the Serbian MoI held a workshop on Impact Assessment for the representatives of the public administration authorities involved in the development of AP 23, supported by the GIZ. The workshop participants learnt about good practices in the development of the action plan and the steps for impact assessment.

As part of preparations for drafting AP 24, between 28 May and 4 June 2014 the Ministry of Justice organised the workshop on Budgeting Action Plans for Negotiations, supported by the PLAC project. During the preparatory part of the workshop with the expert from the Slovenian Ministry of the Interior, MsPolonaČufer-Klep, the representatives of the negotiating groups for subchapters under Chapters 23 and 24 reached the conclusion that the costs needed to

be standardized through the development of the methodology for calculating costs related to the implementation of AP 23 and AP 24. At the consultative part of the workshop, the expert used examples of activities defined for subchapters to discuss with subchapter coordinators and members of the working groups the need to thoroughly assess the costs for each individual activity (even if it is within the scope of regular activities of authorities) through identification of needs of each unit involved in the implementation of activities.

The work on the development of Draft AP 24 has been organised at two interlinked levels. The top level is represented by the Negotiating Group chaired by the MoI State Secretary, Mr Aleksandar Nikolić, Head of the Negotiating Group. The task of the Negotiating Group was to provide guidelines for the development of AP 24 from the highest level, to monitor progress, to address issues and concerns in the development of the document and to review and approve interim results. The members of the Negotiating group are from all line ministries and state bodies in charge of relevant subchapters in the Chapter 24. When deciding on the composition of the team to work on AP 24, it was sought to include the representatives of all relevant public authorities and institutions that would be implementing authorities for AP 24. Within this layer, there is a particular Working Group for the development of AP 24, chaired by Mr Dražen Maravić, head of the Bureau for Strategic Planning in the MoI as an AP 24 Coordinator and 10 coordinators, one for each subchapter. The team members are subchapter coordinators who are representatives of relevant public administration authorities: Jelena Vasiljević, coordinator for asylum, migration, visas, external borders and Schengen (Ministry of the Interior), Jovan Stojić, coordinator for terrorism (Security Information Agency), Gordana Janićijević, coordinator for organised crime (Public Prosecutor's Office), Ljiljana Zarubica, coordinator for visa policy (Ministry of Foreign Affairs), Zorana Gajić, coordinator for police cooperation (Ministry of the Interior), Nikola Naumovski, coordinator for judicial cooperation in criminal and civil matters (Ministry of Justice), Radivoje Popović, coordinator for Euro counterfeiting (Ministry of the Interior), Ivan Brandić, coordinator for cooperation in the field of drugs (Ministry of the Interior), and Ognjen Pantelić, coordinator for customs cooperation (Ministry of Finance-Customs Administration). This layer of work, particularly through the work of coordinators, is steering the work of a second layer of work, discussing common methodology of work, resolving horizontal issues and providing coherence to the Action plan.

The representatives of the Strategic Planning Bureau, Finance and Budgeting Department and Department for Managing EU-funded Projects in the Ministry of the Interior were also involved in working on subchapters as they have been delegated to provide expert assistance to subchapter coordinators in the development of AP 24. In addition, contact persons were appointed in the Ministry of Finance and the National Assembly of the Republic of Serbia for the purpose of permanent coordination of the development and implementation of AP 24. Third version of the Action plan was reviewed by the Ministry for finance for financial sustainability of budget planning in the Action plan.

The second, working level, is represented by working teams, led by subchapter coordinators and composed of the stakeholders' representatives depending on their expertise and experience in different area covered by subchapters and TAIEX experts. Expert support for AP 24 for each subchapter was provided by EC experts through the TAIEX instrument.

Each working group has thoroughly elaborated the respective subchapter as its contribution for AP 24. The working groups for Chapter 24 are coordinated by

the Ministry of the Interior, but the work has also gathered the Ministry of Justice and Public Administration, Ministry of Foreign Affairs, Ministry of Finance and Economy, Ministry of Agriculture, Forestry and Water Management, Ministry of Health, Ministry of Defense, Ministry of Regional Development and Local Government, and Ministry of Labor, Employment, Veteran and Social Affairs. The Security Information Agency, Commissariat for Refugees, Public Prosecutor's Office, Anti-Corruption Agency, National Secretariat for Legislation, Serbian European Integration Office is also involved, as well as other authorities, if necessary.

The common starting point for all working groups was the established AP log frame. The final AP 24 log frame consists of the narrative and tabular parts. The tabular part is laid out at two levels: recommendations and activities. The narrative part is the Description of the Current State of Play, which is a vision in a specific policy area (subchapter). The description presents the main issues that need to be resolved and the manner of their resolution.

The recommendations within subchapters have been defined on the basis of the recommendations of the European Commission and the recommendations from the Screening Reports. **The overall result related to the recommendation**, as a unit of measurement of the implementation of AP 24, demonstrates a change in reality that is intended to be achieved by fulfilling the recommendations in order to fully harmonize with the EU acquis and reach specific standards. **Recommendation impact assessment** is set in a way which ensures the measuring of the effect of the achieved change in relation to the stakeholders.

The activities have been defined as key steps which are necessary to fulfill recommendations. All activities defined by this Action Plan are harmonized with the activities from the Action Plan for Chapter 23 and current strategic documents such as the National Anti-Corruption Strategy, Strategy for Combating Organised Crime, and Strategy against Trafficking in People, IBM Strategy, Migration Management Strategy, Illegal Migration Suppression Strategy, and other relevant strategic documents within Chapter 24.

Some activities have been made complex, which means that elements of those activities which are their mandatory and common integral parts have not been stated separately but as a whole (e.g. preparation, consultations and adoption of legislation/regulations). All activities related to the preparation of regulations imply setting up the relevant working groups, while consultations encompass both intra-governmental consultations (interagency consultations, gathering opinions pursuant to the Government's Rules of Procedure) and those with the public (public debates).

Activities in AP 24 are presented in chronological order depending on the deadlines for their implementation and in line with the division into short-term, mid-term and long-term priorities. The foreseen activities are aimed at normative harmonization, strengthening institutional and legislative frameworks, and staff training, for the purpose of better implementation of the legislative framework and achievement of appropriate operating standards.

Implementing authorities are in most cases a number of public administration authorities, which means that the activities will be implemented in

Comment [A4]: Please clarify this sentence - What does it mean ?

Comment [A5]: We will rephrase this sentence with next sentence: Impact assesment for the impact of each recommendation is positioned in a way that allow to measure the effect or impact of the changes that has been occurred in the society or state administration through implementation of the concrete actions "

partnership in which case the authority listed first will be the implementing authority while other listed authorities are implementing partners.

Deadlines for the implementation are set in relation to each individual activity. The deadlines chronologically follow the time frame for the implementation of activities, starting from 2015 where the deadlines are set per months, followed by 2016 and 2017 where the deadlines are given quarterly up to the year 2018 where it has been planned to complete the main activities related to the harmonization with the acquis by the end of 2018. The deadlines are defined as the quarters in which the activities will be completed, not as an overall time frame for the implementation of those activities. For example, if the fourth quarter of 2016 was set as a deadline for an activity, it means that the activity will be completed in that quarter, not that it will begin in that very quarter. The deadlines for the activities to be implemented through projects have been determined as envisaged in the projects that have already begun.

The time frame for the implementation of some activities will be set afterwards, depending on the results of the analysis done prior to that activity; hence their deadlines will be determined later on, during regular updates of AP 24. Since some of the activities concerning law changes, e.g. changes to the Criminal Code, are closely connected with the implementation of the activities under AP 23, the time frames have been harmonized with AP 23 deadlines. Some activities will be implemented continually, from the beginning to the end of the implementation of AP 24.

As it was stated, it is envisaged that the main workload is going to be finished by 2018, but the works will continue after 2018, particularly related to the continuous implementation of adopted strategies which have timeframes beyond 2018, continuous monitoring of the most recent developments in the EU acquis, and continuous monitoring of the achieved results of the harmonization, institutional development and capacity building activities in the Action plan. Emphasize in the post 2018 activities will be on the establishing of the proven track record and reporting to the EU and public in Serbia.

Qualitative indicators were mostly used in defining the activities results (with few exceptions where quantitative or hybrid indicators were used), given that their measurement will be more easily conducted independently or jointly within the competent authorities.

The Action Plan defines the budget needed for the implementation of envisaged activities. The source of financing is, to the largest extent, the budget of the Republic of Serbia. Bearing in mind that implementation of certain activities requires expert support; it is envisaged to hire foreign experts through TAIEX support mechanism. As the implementation of certain activities requires significant financial means, the list of possible financing sources included potential donations by international organizations or using EU pre-accession funds, as well as grants. Priority activities within the AP24 are completely harmonized with the priority activities to be financed by the IPA II cycle, due to engagement of representatives of the MoI Department for Managing EU-funded Projects in the work on subchapters, as well as due to continuous consultations with the EU Integration Office of the Republic of Serbia.

For the purpose of the AP24 elaboration, several workshops, plenary and small, group or individual meetings were held at several work levels. The workshops and meetings were attended by all stakeholders' representatives. In the overall course of the document development, it has been continuously

Comment [A6]: Please be aware that not all acquis can be implemented and that in case it can, the Commission will monitor the implementation for some years e.g. Schengen Action Plan

Comment [A7]: Since the deadline for the conclusion of all activities regarding EU Accession Negotiation is 31.12.2018. (for the Government as a whole) we did not extend the deadlines after this date. However, as for the monitoring of the AP before its formal adoption, we will continue to monitor the implementation of all measures after the 31.12.2018.

commented, revised and harmonized electronically.

Before the final version of the first draft of the AP 24 was made, a five-day workshop had been held in the period 25-29 August 2014, supported by the PLAC project. The workshop gathered the Head of the EU accession Negotiation Team of the Republic Serbia, Heads of Negotiation Teams, representatives of the Working Group in charge of drafting the AP 24 and representatives of Working Groups in charge of subchapters. At the workshop managed by the expert from the MoI of the Republic of Slovenia PolonaČufer-Klep, overlapping areas were identified and harmonized, standardized methodology of calculating the costs for the AP 24 and AP 23 drafts was agreed upon, and standardized methodology was tested on the first AP 24 draft.

The first AP 24 draft was submitted to the European Commission in September 2014. Immediately after the EC comments were received, the work on the development of the second AP 24 draft started comprising all subchapters and supported by TAIEX expertise. In the period November 2014- January 2015, several TAIEX expert missions were conducted with a view to developing relevant subchapters within the AP 24.

After that, the activities within every subchapter were harmonized horizontally at the three-day workshop in December 2014, supported by the OSCE Mission in Serbia. The workshop, managed by the UNDP expert, FilipDragović, was attended by the subgroups coordinators, representatives of the International Cooperation and European Integration Bureau, Strategic Planning Bureau and the Sector for Finance, Human Resources and General Matters. The result of the work was establishment of the cause and consequence link among the activities within the subchapter and a draft model for monitoring and assessing the implementation of the AP 24. After the remaining TAIEX expert visits were conducted, the second draft of the AP 24 was revised, translated and sent to the European Commission for additional suggestions and comments.

III ACTION PLAN RELATED PROJECTS

While developing the AP 24 it was envisaged to benefit from the European Union pre-accession funds (IPA) and other kinds of international assistance as sources of financing certain activities, namely:

- [IPA 2012 project „Police Reform and Migration Management“](#)- component 2, envisaging legal migration related activities- „Migration“ subchapter.
- [IPA 2012 project „Police Reform and Migration Management“](#)- Twinning Component I [“Ministry of Interior’s institutional capacity manages its human resources effectively“](#)– [Introducing a modern concept of Human Resource Management within the MoI. Prepared the Development Strategy of MoI HR, that was adopted, assisting in its implemetation as well as development of Competency framework](#)
- [IPA 2012 project“Further developing and implementing mechanisms for a comprehensive and consistent monitoring of legal migration in](#)

Comment [A8]: Please see previous comments on - IPA 2012 twinning on HRMS forgotten. Should be used until early 2016 for helping on staff internal redeployment, at least.

Comment [A9]: Comment accepted, We will introduce new sentence : [IPA 2012 project „Police Reform and Migration Management“](#)- Twinning Component I [“Ministry of Interior’s institutional capacity manages its human resources effectively“](#)– [Introducing a modern concept of Human Resource Management within the MoI. Prepared the Development Strategy of MoI HR, that was adopted, assisting in its implemetation as well as development of Competency framework.](#)

the Republic of Serbia“.

Comment [A10]: Text of the project put within clean version – link to Activity 2.1.4.6

- Project „Cooperation in the Fields of Criminal Justice, Witness Protection in Fighting Organised Crime and Corruption- WINPRO II“- a multi-beneficiary Programme IPA 2012, envisaging activities within the subchapter „Police Cooperation and Fight against Organised Crime“.
- The Sector fiche IPA 2013 „Strengthening the Executive Power Institutions for Law Enforcement in Fighting Organised Crime and Migration Management“ encompassing two contracts falling within the competence of the Ministry of the Interior: twinning project „Fight against Organised Crime (human trafficking, illegal narcotic drugs trafficking, illegal weapons trade and financial investigations)“ and procurement of the „Laboratories for Evidence Analysis in Criminal Cases Prosecution“, envisaging activities relating to the fight against organised crime, covered by the subchapter „Police Cooperation and Fight against Organised Crime“. In addition, the Sector fiche for IPA 2013 provides for the twinning contract “Support to the National Asylum System in the Republic of Serbia”, which is in the competence of the Commissariat for Refugees and Migration. The project envisages the activities for harmonizing the asylum system, which is covered by the subchapter “Asylum”.
- IPA 2013 Project “Support to Further Modernization of the Customs Administration and Improved Border Management in the Republic of Serbia” envisages the activities for updating IT Strategy of the Customs Administration, which is covered by the subchapter “Customs Cooperation”.
- IPA 2014 in its Action document „Support to the Sector of Home Affairs“ envisages activities relating to the visa policy, external borders and Schengen and fight against organised crime, covered by the subchapters „Visa Policy“, „External Borders and Schengen“ and „Police Cooperation and Fight against Organised Crime“.
- The Sectorial Planning Document 2015-2017 envisages various activities covered by the following subchapters: „Migration“, „Asylum“, „Visa Policy“, „External Borders and Schengen“, „Police Cooperation and Fight against Organised Crime“, „Fight against Terrorism“ and „Cooperation in the field of Drugs“ (see the table, please). It should be kept in mind that this document will be revised and updated annually. In the course of the document drafting we took into account the harmonization of the project activities with the national ones (NPAA 2014-2018- National Programme for the Adoption of the EU Acquis 2014-2018, NAD- National Priorities for International Assistance 2014-2017 including the projections until 2020, Strategies and Action Plans) and the EU priorities (Indicative Strategic Document for the Republic of Serbia 2014-2020, the European Commission Annual Report on the Progress of the Republic of Serbia, Chapter 24 Screening Report- Justice, Freedom and Security etc.), including the AP 24. Representatives of the Department for the EU funded Projects Management participated actively in the development of the Action Plan and

cooperated with the subchapter coordinators. In the course of the programming process we also held regular meetings and consultations with the EU Integration Office.

- In the framework of the Kingdom of Sweden Bilateral Assistance Programme we implement the project „Capacities Development for the Intelligence-Led Policing in the MoI of the RoS (ILP) “. The activities are covered by the subchapter „Police Cooperation and Fight against Organized Crime“,

In the course of the AP 24 development and its implementation we envisaged to benefit from the experts' assistance of the Bureau for technical assistance and exchange of information of the European Commission (TAIEX) in the form of organizing workshops, training courses, expert missions and study visits to the EU Member States. Short-term TAIEX assistance will be used to implement some activities from the Action Plan.

IV ACTION PLAN IMPLEMENTATION BUDGET

For the purpose of budgeting the activities from the AP 24, on behalf of the Sector for Finance, Human Resources and General Matters of the Ministry of the Interior, a Working Group was established comprising the General Matters Directorate employees tasked with cooperating with other organizational units and institutions in the field of subchapters in order to develop the financial part of the Action Plan.

Representatives of the Sector for Finance, Human Resources and General Matters, in cooperation with all subchapters' interested parties involved in the activities defining, made a cost assessment for the AP 24 activities implementation.

Before the assessment development, a detailed elaboration of every individual activity was done, namely the human and material resources needed for their implementation were identified.

Representatives of the Working Group of the Sector of Finance, Human Resources and General Matters attended the meetings related to all subchapters and made a list of questions that further served as basis for the cost assessment. At the meeting, all participants developing the AP 24 were suggested to review the possibilities of implementing the activities using the existing resources and to use the additional budgetary funds to the least possible extent. It was also pointed out that the implementing authorities should involve in applying for the funds from the projects, donations, TAIEX and alike.

In cooperation with the Ministry of Justice, supported by the expert from Slovenia PolonaČufer- Klep, costs standardization, that is the budgeting methodology, was made. The methodology contains the elements needed for the cost assessment relating to the administrative capacities, adoption of laws and by-laws, training courses and seminars, TAIEX workshops, study visits and expert missions, as well as other costs. This document is the Annex to the AP

24.

At the beginning of September 2014, the first version of the AP 24 for the negotiating chapter 24 was sent to the European Commission. After the feedback was received, the work on subchapters continued, including the corrections of the necessary financial means initial assessment in accordance with the suggestions given in the European Commission Report.

V REPORTING, MONITORING AND EVALUATION OF THE AP 24 IMPLEMENTATION

A relevant Governmental decision that will be adopted at the same moment of the AP 24 adoption will proscribe reporting, monitoring and evaluation regarding the Action plan in line with following framework:

The reporting will be done on the level of those responsible for implementation of the activity from the Action plan. The public authorities designated in the Action Plan as **implementing authorities** will implement, within their respective fields of competence, the activities covered by this Action Plan. A person **responsible** for successful implementation of the activities is the appointed head of the public authority that is the head of the relevant organizational unit. In case that several authorities are in charge of some activities, the authority that is first listed and written in different font in the AP 24 will take up the leading role and coordinate the work of other partners.

The monitoring of the Action plan will be done at the level of main coordinator and 10 subchapter coordinators for the implementation of the Action plan, in accordance with the orders of the Negotiating Group. The task of coordinators is to monitor the implementation of activities and provide the Negotiating Group with objective and timely information of the state of play in the area of the Action Plan implementation. The meetings of coordinators will be convened regularly, e.g. once a month, or as agreed, to consider the implementation reports. Wherever possible or feasible, monitoring data will be gender sensitive.

In order to provide specialization, continuity and professionalization, as well as long term sustainability of efforts, those are going to be the same coordinators that were previously responsible for writing of the Action plan. This above mentioned Governmental decision will stipulate the tasks and powers of the main coordinator and subchapters' coordinators, including the manner of scheduling the meetings and decision making, dynamics of activities and the user friendly implementation reports format, that will focus on results, and not on the processes. Authorities implementing the activities have the obligation to regularly report to coordinators, in the stipulated format, as well as to provide additional information of relevance for monitoring, upon the coordinators' request.

When it comes about the activities that are not implemented according to the plan, the coordinators will have the obligation to focus the responsible person's attention to the need for an intervention. In case it doesn't bring about a solution, the coordinators will explain the situation in question to the Negotiating

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Comment [A11]: Referring to the comment A1: role of the civil society is primarily in the part of monitoring and evaluation, so that comment is addressed in detail in this part of the document.

Group and propose remedial measures. These measures may comprise introduction of changes into the AP 24 and its adaptations.

Those organizational units of the Ministry of the Interior in charge of international cooperation, EU integration and strategic planning will perform administrative, technical and expert duties for the Negotiating Group and provide expert assistance to coordinators.

The evaluation of the progress will be done on the level of the Negotiating group, together with the representative of the Serbian European Integration Office and designated member of the Negotiating Team. The coordinators will, based on the information received, report quarterly to the Negotiating Group on the AP 24 implementation. The quarterly reports will comprise narrative and table parts. The narrative part will describe the current state of play and expected trends in the activities implementation. For easier reference, the table part will be presented by the traffic lights method: the activities implemented within envisaged timeframe and budget will be green, the activities facing certain difficulties in the course of implementation will be yellow, whereas the activities that exceeded the timeframe, or their implementation did not start at all, will be red.

Following the materials prepared in the above mentioned manner, the Negotiating Group together with the representative of the Serbian European Integration Office and designated member of the Negotiating Team will, twice a year prepare progress reports, accordingly to our obligations towards European Commission, once early in the year on the last 6 months of the previous year, and once a year in the September for the first half of the current year. The reports are going to be made publicly available on the website of the Ministry of Interior. After each report, there will be discussion with the organizations of the civil society. [The purposes of these discussions are both information sharing and receiving feedback to the ongoing implementation from the civil society point of view.](#)

The AP 24 overall implementation evaluation will be performed once a year, by the Chapter 24 Negotiating Group together with the representative of the Serbian European Integration Office and designated member of the Negotiating Team following the coordinators monitoring reports. [Inputs from the civil society organizations will be used as one of the sources for this evaluation.](#) Such evaluation will also encompass the impacts of the AP 24 implementation, and will be made public through Ministry of interior web-site. [Evaluation reports on implementation of AP 24 will be presented also to relevant parliamentary committees.](#)

In addition to the AP 24 monitoring and implementation, the responsible persons in organizational units will have the obligation to keep themselves updated with the EU regulations, so that, in case the EU regulations are amended, they could timely initiate the adjustment of activities to the new circumstances. The organizational unit of the MoI in charge of the EU integration will have the general obligation to follow all the amendments to the Chapter 24-related EU

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Comment [A12]: The progress reports for the purpose of EU integration process are made in June and September, the progress reports for the AP CH24 will be made in January and June for the previous six months, and once a Year – in January for previous Year. Since we do need to inform Civil Society, Government and National Assembly about the progress within Action plan, it would be much easier for us to monitor it as a separate documents only for this purpose

Comment [A13]: Could it be possible to merge these two documents into one, for example into the September contribution for the progress report

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regulations. This organizational unit is obliged to timely inform the Negotiating Group on all the amendments to the Chapter 24- related regulations, so that amendments to and supplements of the AP 24 could be made, if needed.

This Action plan for Chapter 24 will be senior to the existing strategies and action plans in relevant areas, covered by Chapter 24. If the need occurs, they are going to be changed in order to be aligned with the commitments in this Action plan. It is the task of the coordinators for the implementation of the Action plan to signal the need for such alignment to the Negotiating group for the Chapter 24 in their regular reports. The Negotiating group, together with the representative of the Serbian European Integration Office and designated member of the Negotiating Team will than start necessary procedures to enable such alignment.

OVERALL REFORM OF THE MINISTRY OF INTERIOR

The Ministry of Interior (MOI) is fully committed to improvement of the overall efficiency and effectiveness of its main functions in order not just to fulfill Chapter 24 requirements, but also to deliver a better service to the citizens of Serbia. Government austerity measures, due to the financial crisis, are also impating reform within the Ministry. For this reason, in October 2014 a complex change management process was initiated, led directly by the Minister's Cabinet, to ensure maximum cohesion of reform efforts across multiple sectors in recognition of the prevelant organizational culture and business practice.

In order to imbed and sustain all change (reform) requirements a second level management control mechanism was established at the MOI Sector level, i.e. Assistant Minister level, which allows for frequent meetings at this senior management level to coordinate reform complexities. This mechanism also allows for full coordination with activities identified within the Action plan at the most senior management level and especially the Police Directorate.

The reform has been sequenced to take place in several steps, i.e. phases. The first phase commenced in October 2014 and should be complete by ~~June end of~~ 2015. The primary focus on this phase is to establish a new organizational and functional model for the MOI HQ, primarily by establishing two new strategic sector level organizational units, the first dealing with EU integration, international cooperation and development and the second dealing with Human Resources Management. Minor changes are planned to take place in other HQ sectors, as a result of the creation of these two new sectors, but also other requirements. Completion of these organizational changes ~~will-should~~ take place by ~~June-the end of~~ 2015. In addition, organizational restructuring will include a reduction in the administrative decision making layers, but eliminating some lays of management which were outdated and no longer functional.

The second phase of the reform is planned ~~to commence~~ to commence ~~September 2015, after the new Law on Police has been adopted,~~ ~~thus~~ allowing more significant changes to take place. This phase will involve organizational and functional changes within the Police Directorate, as well as any necessary revisions from phase one involving the MOI HQ. The most significant changes will include the clear distinction between civil servants and police officers, a new and just salary and reward system integrated closer to the central public administration agenda, a modern Human Resources function including internal recruitment, career development and better quality training with emphasis on management and leadership. Last but not least the changes focus on improved

Comment [A14]: There is a risk that the law will not be adopted by that time. In general, please make sure that in the final version all 2015 deadlines are checked and fully realistic to avoid early delays.

Comment [A15]: We will change the date to December 2015. We are doing best we can to be as precise as possible, when it comes to the timing of the Activities within the AP

internal control mechanism, including internal audit, at Ministerial level, all in full recognition of recommendations received from our strategic partners, including the OSCE and the European Commission. This phase will take approximately 3-4 months to complete at the HQ level of the Police Directorate.

By March 2016, a new Strategic Threat and Risk assessment document is planned to be published, which will cover the whole of Serbia and allow for a detailed review of the Police District level structures. As a result, a review of the organizational structure of these local level police services will be possible by mid-2016.

New strategic documents are an inbuilt requirement under the new Law on Police, currently being finalized, and will from early 2016 allow a more comprehensive planning process to take place, both bottom up and top down, in accordance with recommendations made by the EU twinning “Strategic Planning and Horizontal Communication” which was recently completed.

Last, but not least a Swedish (Sida) funded project has enabled a strategic overview of the Ministry’s IT services and the development of a new strategic framework, which will allow for a more structured future development of IT services within the Ministry. This is especially important considering the fact that the Ministry is the only provider of all personal data and records of citizens in Serbia and thus in many respects a central point for all other government bodies and services which require this data. The enhancement of e-government in terms of the MOI role, is being considered over the next 12 months, allowing for more interactive service provision towards the private and business community in Serbia.

Serbia is willing to accept EU policies aiming 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, Serbia has accepted the need to be properly equipped to adequately implement the growing framework of common rules.

1. MIGRATIONS

CURRENT STATE OF PLAY:

Since the process of accession to the European Union is a priority for the Republic of Serbia, in the last several years the Government has developed sectoral strategies and laws on its road towards harmonizing the legislation of the Republic of Serbia with the *acquis*. The area of migration in Serbia is regulated by the Law on Foreigners (Official Gazette of the RS, no. 97/08), Law on State Border Protection (Official Gazette of the RS, no. 97/08), Law on Migration Management (Official Gazette of the RS, no. 107/2012) and Law on Employment of Foreigners (Official Gazette of the RS no. 128/2014). The strategies of the Republic of Serbia by which the migration policy is created include: Strategy for Combating Illegal Migration in the Republic of Serbia for the period 2009-2014 (Official Gazette of the RS, no. 25/09), Migration Management Strategy (Official Gazette of the RS, no. 59/09), Strategy for the Integrated Border Management in the Republic of Serbia (Official Gazette of the RS, no. 11/06) and Strategy for the Reintegration of Returnees under the Readmission Agreement (Official Gazette of the RS, no. 15/09), together with the accompanying Action Plans.

In the period 1. January – 30. November 2014, a total of 27,339 temporary stay permissions were granted to foreign nationals in the Republic of Serbia. Out of the total number of permissions, 13,207 were issued for the purpose of family reunification, 10,904 for employment, 2,009 for education and 374 for ownership over immovable property and other purposes. Moreover, in the reference period a total of 8,197 foreigners had permission for permanent residency.

The laws of the Republic of Serbia governing the area of migration are **largely compliant with the Directives of the EU** related to the area of legal and irregular migrations.

The new Law on Employment of Foreigners provides a higher level of harmonization with the Directive 2009/52/EC. The Law stipulates misdemeanor liability of employers who employ a foreigner contrary to the provisions of the Law, that is, a foreigner who has not been granted temporary stay or permanent residency (irregular migrant). Law on Employment of Foreigners prescribes inspection supervision of the fulfillment of the conditions of employment of foreigners which is performed by Labor Inspectorate. Moreover, in addition to fines, a protective measure of prohibition of conducting business activities of such an employer for a certain period of time in case an irregular immigrant is employed is also prescribed. Law on Employment of Foreigners does not stipulate criminal liability of the employer in the case of employment of irregular migrants. The second stage of harmonization of

national legislation with the EU legislation will tackle that.

This Action Plan is going to continue with carrying out activities for gradual harmonizing with the *acquis* and with the final result of full harmonisation with the EU Directives. In the first phase, harmonization with the relevant pieces of the *acquis* will be in the areas of: granting temporary residence to third-country nationals for the purpose of family reunification; granting permanent residence to third-country nationals; granting temporary residence to third-country nationals for the purposes of studies, pupil exchange, professional training or voluntary service, as well as scientific research; returning illegally staying foreigners- which defines illegal entry, transit and residence; strengthening of the penal framework to prevent facilitation of unauthorised entry, transit and residence; the residence permit issued to third-country nationals who are victims of trafficking in human beings or have been the subject of an action to facilitate illegal immigration and who cooperate with the competent authorities - these have been partially implemented in the national legislation. In the second phase, the Republic of Serbia shall conduct activities for the purpose of harmonizing the national legislation provisions with those Directives provisions regulating sanctions against employers of illegally staying foreigners; issuing of the Blue Card - a unique residence and work permits for third country nationals; and granting of a humanitarian residence permit for irregular migrants who are participants in a process before a state authority.

For the purpose of full harmonization with the Directive 2002/90/EC what should be envisaged in the national legislation is exclusion of the element of acquisition of material gain from the criminal offence of facilitation of illegal crossing of the state border and illegal transit, that is, an intention only to assist a person in illegal crossing or transit should be regarded as a basis for existence of this criminal offence.

The area of migration management in the Republic of Serbia is multisectoral by its nature and, consequently, the competences in this area are divided among several state authorities. The institutional framework in the area of migration monitoring in Serbia consists of all the relevant institutions involved in the migration system on basis of the laws and normative acts and strategies, and these are primarily: the Ministry of Interior, the Commissariat for Refugees and Migration, the Ministry of Foreign Affairs, the Ministry of Justice, and the Ministry of Labour, Employment, Veteran and Social Policy of the Republic of Serbia. Furthermore, civil society and international organisation are also the stakeholders involved in the area on migration management.

The Commissariat for Refugees and Migration of the Republic of Serbia as the central authority (focal point) in the area of migration management has established a system for collecting data and information on migration flows and preparing national migration profile. The system should be further developed and improved in order to have statistics aligned with requirements of Regulation 862/2007/EC. In that sense the Commissariat for Refugees and Migration, within its competences, shall monitor the implementation of harmonised legislation in the area of migrations. The Annual Migration Profile of Serbia is developed in line with the international standards. According to the Law on Migration Management, local migration councils have been established in 128 local government units and these are composed of representatives of various institutions on the local level relevant for the realization of the rights of migrants, with the goal to coordinate activities of: local administration, police administration, employment service, school administration, local trustee, a health centre, a centre for social work, the Red Cross and civil society organizations. The establishment of local councils as multisectoral bodies has created basis for constant cooperation of the Republic and local authorities. On the path of the Republic of Serbia towards fulfilment of European standards, the

coordination between the Commissariat for Refugees and Migration, the Ministry of Interior and other administrative bodies, in particular at the local level, needs to be further developed.

The Republic of Serbia will keep on delivering trainings, providing funds for purchase of appropriate equipment and developing the existing infrastructure, for the purpose of the implementation of harmonised legislation and as an answer to the problem of irregular migration. The existing capacities of 144 persons at the Reception Centre for Foreigners currently satisfy accommodation needs of irregular migrants, bearing in mind that persons willing to seek asylum are sent to one of the existing Asylum Centers, and those accommodated at the Reception Centre stay there until their return.

Within the existing Reception Centre for Foreigners, it is necessary to provide separate rooms for families, as well as for accommodation of vulnerable groups. **For the purpose of accommodation of irregular migrants in the Reception Centre for Foreigners in Padinska Skela, especially bearing in mind the needs of minors and other vulnerable groups, refurbishing of 2 rooms for accommodation of mothers with children (8 persons) has been finished in June 2015.**

With a view of further harmonization of the national legislation and the fact that the existing capacities will not be satisfactory after adoption of new legal solutions, it is necessary to invest efforts into providing new accommodation facilities for this category of persons. On basis of the results of the assessments envisaged by this Action Plan, additional accommodation capacities will be provided, either through refurbishment of the existing facilities or building of new ones.

Special attention should be paid to accommodation of minors and other vulnerable groups and mechanisms for short-term boost of capacities in case of inflow of numerous irregular migrants should also be established. Simultaneously, activities will be carried out so as to improve cooperation with all the stakeholders on international, national and local level, for the purpose of implementation of the existing Readmission Agreements with all the neighbouring countries and implementation of the Strategy on the Reintegration of Returnees on the bases of the Readmission Agreement with its accompanying Action Plan. **The main activities foreseen by the Strategy aimed to the improvement of housing, economic empowerment and access to education are implemented by the local self-governments and funded by the national budget.**

Moreover, activities on improvement of cooperation in the procedures of returning persons will also be improved and implemented, (including Kosovo*)

The Readmission Agreement with EU is signed as well as 18 Implementing Protocols with following 20 countries: Italy, Slovenia, France, Hungary, Great

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Comment [A16]: Activity 1.3.1 relating to the refurbishing of Reception Centre for Foreigners in Padinska Skela was conducted during May and June 2015. In this respect 1.3.1 activity has been completed and will be deleted in the final version of the document.

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Comment [A17]: Added sentence

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Britain, Austria, Malta, Slovakia, Germany, Romania, Bulgaria, Estonia, Czech Republic, countries of Benelux, Cyprus, Greece, Sweden and Portugal.

Bilateral Readmission Agreements are signed with the following 11 countries: Bosnia and Herzegovina, Denmark, Canada, Norway, Croatia, Switzerland, Macedonia, Moldova, Albania, Montenegro and Russian Federation.

~~The Republic of Serbia has signed the Readmission Agreement with the EU and seventeen protocols on its implementation with the Member States, as well as Readmission Agreements with eleven third countries.~~ Readmission Agreements are planned to be signed with Turkey and Ukraine as well. There is a plan to sign the Readmission Agreement Implementing Protocol between Serbia and the European Community on persons staying illegally with the Kingdom of Spain, ~~and with the Republic of Portugal.~~ In this sense, Serbia is dedicated to adherence to agreements signed with the EU when concluding its bilateral agreements with the third parties.

With the aim of harmonising with the EU Directives in this area, as well as undisturbed further implementation of the harmonised legislation, in March 2014 the Ministry of Interior of the Republic of Serbia started with the IPA 2012 twinning project– Police Reform. The first phase of the project was finished in July 2014, that is, an assessment was carried out of the current situation in the area of visa policy, legal framework in the area of legal and irregular migration and trainings. The final result of the project will be the amended Law on Foreigners and strengthened capacities for its implementation.

Serbia recognises the need to complete the network of bilateral readmission agreements with neighbouring countries and that these need to be compatible with EU readmission agreements with these third countries. Serbia recognises that the EU recommendation is to reach a similar arrangement with Kosovo. Serbia recognizes that conclusion of readmission agreements is element of the *acquis* in Chapter 24.

This measure will be ~~discusses-discussed~~ further in the framework of the dialogue on normalization between Belgrade and Pristina. An arrangement similar to readmission and in accordance with the *acquis* should be reached with Kosovo*, and monitoring of its implementation will be conducted under auspice of Chapter 35. Serbia is ready to further discuss police cooperation with Pristina in this regard in the framework of the dialogue on normalization between Belgrade and Pristina, with strict adherence to the requirements of status *neutrality*.

Some progress was already achieved. At a migration meeting between Belgrade and Pristina in Brussels held on 25.2.2015 it was agreed, *inter alia*, to improve and increase the exchange of information on migratory flows within the framework of Section E of the IBM protocol of 23 February 2012 as regards the exchange, processing and use of information, so as to prevent and fight irregular border/boundary crossings, to step up bilateral cooperation at all levels on police and border/boundary management issues in particular via regular meetings and to ensure the timely exchange of information so as to facilitate the reintegration of returnees transiting through Serbia by land. Based on outcomes of this meeting, Kosovo* was included in the joint Western Balkans meeting on police organised in Belgrade on 3 March 2015.

It was also agreed on this meeting that both parties are to participate in a follow-up meeting on migration to be organised within the framework of the Belgrade-Pristina dialogue on 15th of April to take stock of developments and progress in cooperation in the same format as meeting of 25 February. The meeting was successfully organised.

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Comment [A18]: As agreed on the meeting and on EC request all the countries with which we have concluded protocols and agreements on readmission are listed

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Comment [A19]: Therefore, Republic of Serbia shall enable the effective transfer to Kosovo* of people returned to Serbia and for that purpose establish a working group which will be responsible for the implementation of this activity.

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1.1.RECOMMENDATION: 1	OVERALL RESULT	INDICATOR OF IMPACT
Outline measures to align the remaining legislation in the area of legal and irregular migration with the <i>acquis</i> , including setting out a mechanism to check that legislation in this area is being implemented;	The national legal framework is fully aligned with the <i>acquis</i> in the field of legal and irregular migration.	Correct implementation of the <i>acquis</i> as certified by the monitoring mechanism

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
1.1.1	Draft a proposal for amendments of the Law on Foreigners which transposes the provisions of Directive 2009/50/EC, Directive 2011/98/EU, Directive	Ministry of Interior, Head of Border Police Directorate, Ministry of Foreign Affairs, Ministry of Labour, Employment, Veteran and Social Policy	III quarter of 2016 – partial harmonisation; full harmonisation two years prior to admission to the EU	BUDGET (regular) - 40.008 EUR for the year 2016 TOTAL BUDGET 80.016 EUR Twinning Project	Adoption of the legal framework that will enable Serbia align with the EU <i>acquis</i> on legal and irregular migration	“Official Gazette of the Republic of Serbia”	

Comment [A20]: PLEASE NOTE THAT IN CASE OF LEGISLATION TO BE ADOPTED, DEADLINES PUT SHOULD BE THESE FOR ADOPTING THE LAW

Comment [A21]: Amendments to the Law on Foreigners will have two phases. First harmonization of the Law shall be completed by the third quarter of 2016 and fully harmonization with EU directives in this area shall be finished two years prior to accession to EU.

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	2003/86/EC, Directive 2003/109/EC, Directive 2011/51/EZ Directive 2005/71/EC, Directive 2004/114/EC Directive 2014/36/EU, 2014/66/EU, 81/2004/E3, Directive 2002/90/EC, Directive 2004/82/E3, Directive 2008/115/E3, Framework Decision 2002/946/PUP, Directive 2009/52/E3, and submit it for adoption to the National Assembly of the Republic of Serbia.			IPA 2012-Further development and implementation of the mechanism for comprehensive and consistent monitoring of legal migration in the Republic of Serbia Police reform and migration management , Twinning Project value 1.000.000 EUR			
1.1.2	Draft a proposal for amendments to	Ministry for justice , working group and	December 2015	Reference to Chapter 23	Adoption of the amendments of the Criminal	“Official Gazette of the Republic of Serbia”	

	the Criminal Code in line with EU <i>acquis</i> , and submit it for adoption to the National Assembly of the Republic of Serbia (Directive 2002/90/EC)	partners – the activity will be implemented under Chapter 23			Code submitted to the National Assembly for adoption		
1.1.3	Draft of the Amendments to the Law on Employment of Foreigners aligned with Directive 2009/52/EC, Directive 2004/38/EC, Directive 2001/55/EC, Directive 2013/33/EC, Directive 2003/109/EC, Directive 2004/81/EC, Directive 2011/95/EC, Directive	Ministry of Labour, Employment, Veteran and Social Affairs – Minister	IV quarter of 2017	BUDGET (regular) 40.008 EUR for the year 2017	Fully harmonised Law adopted	“Official Gazette of the Republic of Serbia”	

	2004/114/EC, Directive 2014/36/EU and Directive 2011/51/EU to the National Assembly of the Republic of Serbia for adoption						
1.1.4.	Improve the mechanism of coordination and monitoring of the work done by state authorities implementing the legislation governing migration	Commissariat for Refugees and Migration, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Labour, Employment, Veteran and Social Policy	continuously	BUDGET(regular): 19.872 EUR for the year 2015 19.872 EUR for the year 2016 19.872 EUR for the year 2017 19.872 EUR for the year 2018 TOTAL BUDGET(2015-2018) 79.488EUR	No. of meetings of the Working Group, no. of jointly conducted projects, assessment of the situation and recommendations	Working group meetings' reports, Reports on implementation of joint project activities and Reports on the current state of play assessment with recommendations	

1.2.RECOMMENDATION: 2	OVERALL RESULT	INDICATOR OF IMPACT
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With the support of external experts, conduct an assessment of the administrative capacity, training needs, equipment and infrastructure, and roll out the necessary measures to ensure Serbia's readiness to correctly implement the <i>acquis</i> in the field of legal and irregular migration;	Well-trained staff correctly implements the <i>acquis</i> in the area of legal and irregular migrations; Central database established	The level of protection of human rights in line with the EU minimum standards ensured; level of training of all employees, their efficiency and quality of their work; the extent to which the appropriate model of implementation, monitoring and evaluation is ensured.
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
1.2.1	Conduct a gap analysis with recommendations with the help of foreign experts (legal assessment, training needs, administrative capacities, equipment and IT infrastructure) in order to implement measures so that Serbia is ready to adequately enact the <i>acquis</i> it has	Ministry of Interior , Head of Border Police Directorate, Ministry of Foreign Affairs, Ministry of Labour, Employment, Veteran and Social Policy, Commissariat for Refugees and Migration	September 2015	Twinning project IPA 2012: Further development and implementation of the mechanism for comprehensive and consistent monitoring of legal migration in the Republic of Serbia Reform of the Police, Twinning Project value: 1.000.000	A gap analysis with recommendations in the area of legal and irregular migrations conducted	Report on conducted activity with the analysis document	

	implemented in new legislation related to legal regular and irregular migrations.			EUR			
1.2.2	Develop and implement the Training Plan and an action Programme in the field of legal and irregular migration in line with the recommendations in the Analysis (according to the findings of the Analysis under activity 1.2.1.)	Ministry of Interior , Head of Border Police Directorate, Ministry of Foreign Affairs, Ministry of Labour, Employment, Veteran and Social Policy	I quarter of 2016	Twinning Project IPA 2012 Further development and implementation of the mechanism for comprehensive and consistent monitoring of legal migration in the Republic of Serbia - Reform of the police, value of the Twinning Project: 1.000.000 EUR In line with the activity 1.2.1.	Training Plan and Programme developed in line with recommendations from the Gap Analysis, Training Plan and Programme adopted; number of trainings delivered (the no. of trainings envisaged by the Plan is materialised according to the pre-planned dynamics); number of trainees; an assessment of the quality of the	Plan I - Training Programme, Report on delivered trainings and Evaluation report on implemented activities covered within the Plan I – Training Programme	

					Plan and Programme		
1.2.3	Provide equipment necessary for implementation of the legislation related to legal and irregular migrations to be adopted, according to the Gap Analysis	Ministry of Interior , Head of Border Police Directorate, Ministry of Foreign Affairs, Ministry of Labour, Employment, Veteran and Social Policy	December 2015, provision of the equipment will continue until IV quarter of 2018	I Phase – IPA 2012: Further development and implementation of the mechanism for comprehensive and consistent monitoring of legal migration in the Republic of Serbia Police reform an Migration Management Equipment value: 1.210.000 EUR BUDGET (regular) 121.000 EUR for the year 2016	Equipment provided according to the results of the Gap Analysis; Electronic Central Database on foreigners established; Faster access and use of Equipment necessary for full implementation of the <i>acquis</i> provided	Report on conducted project activities and MoI statistics on the number of exchanged data	
1.2.4	To enable the effective transfer to Kosovo* of people returned	Ministry of the Interior, General Police Directorate	Until the Accession in the EU	100 EUR per one person 8.280 EUR	Number of transferred persons to Kosovo* of people returned	Monthly and yearly reports on implementation of the transfer	

	to Serbia.				to Serbia		
1.2.4.1	Establishment of the Working group within the MoI RS in order to enable effective transfer to Kosovo* of people returned to Serbia.	Ministry of the Interior, General Police Directorate, Secretariat of the Ministry	December 2017	633 EUR cost of the Government of the RS 79.488 EUR per year (cost of working group)	Working group established and functional	Monthly and yearly reports of the Working group	

1.3.RECOMMENDATION: 3	OVERALL RESULT	INDICATOR OF IMPACT
Address the accommodation needs, with particular attention for minors and other vulnerable groups;	Accommodation capacities of the Reception Centre improved to the level which will enable accommodation and housing of all the foreigners whom it is not possible to remove forcefully immediately, whose identity has not been confirmed or who do not possess a travel document, and vulnerable groups; Accommodation capacities and integration programmes for unaccompanied minors provided	Number of minors and other vulnerable groups who use newly build accommodation capacities

No	ACTIVITIES	RESPONSIBLE	DEADLINE	REQUIRED	INDICATOR OF	SOURCE OF	STATE OF
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		AUTHORITY		FUNDS / SOURCE OF FINANCING	RESULT	VERIFICATION	IMPLEMENTATION
1.3.1	Refurbish a part of the area of the Reception Centre (Padinska skela) so as to accommodate families and vulnerable groups	Ministry of Interior , Head of Border Police Directorate, Common affairs Directorate	June 2015	BUDGET(regular) 3.500 EUR for the year 2015	Separate rooms adequate for accommodation of families and vulnerable groups provided through repurposing of the existing facilities according to their needs	Expert report on established capacities for accommodation of families and vulnerable groups	
1.3.2	Develop an assessment of accommodation capacity needs of the Shelter for Foreigners (Padinska skela) after refurbishment, especially taking into account the needs of minors and families and vulnerable groups	Ministry of Interior , Head of Border Police Directorate, Ministry of Labour, Employment, Veteran and Social Policy, Commissariat for Refugees and Migration	September 2015	BUDGET (regular) 1.656 EUR for the year 2015 TAIEX 4.500 EUR for the year 2015	An analysis with recommendations developed specifying number and quality of accommodation facilities.	TAIEX experts report on conducted analysis with the analysis document	
1.3.3	Provide additional	Ministry of Interior ,	IV quarter of 2016	BUDGET – (reconstruction	Material and technical capacities strengthened	Report on conducted	

Comment [A22]: tbc

Comment [A23]: Activity relating to the refurbishing of Reception Centre for Foreigners in Padinska Skela was finished during May and June 2015.

Comment [A24]: Can you tell us approx how many ?

Comment [A25]: 2 rooms for accommodation of mothers with children

Comment [A26]: 8 persons

	accommodation capacities according to the results of the needs Assessment (activity 1.3.2)	Common Affairs Directorate		just after the needs analysis, possible capacities increase and pursuant to this employment of new staff)	in accordance with the outcome of the Assessment See indicator 1.3.2. above	activities for strengthening material and technical capacities for accommodation of accompanied minors and vulnerable groups	
1.3.4	Development of an assessment, including related financial needs assessment, for increasing the accommodation capacities, with particular emphasis on unaccompanied minors. Institutions within the system of social welfare are the Institute for Youth and Children in Niš and the Institute for Youth and Children and in Belgrade.	Ministry of Labour, Employment, Veteran and Social Policy Assistant minister in the Sector of family care and social welfare	IV quarter of 2015	DONATIONS: Swiss Fund for Migrations-Project: “Strengthening capacity of institutions and human resources” – accommodation of unaccompanied minors 563.000 CHF	Assessment of accommodation capacities increase for UAMs with special attention to unaccompanied minors drafted	Report on conducted activity with the assessment document	

1.3.5	Preparation of a plan for reconstruction and/or adaptation of the existing accommodation units that are not used or adequately utilized under the current social welfare structure	Ministry of Labour, Employment, Veteran and Social Policy Assistant minister in the Sector of family care and social welfare	II quarter of 2016	DONATIONS: Swiss Fund for Migrations-Project: “Strengthening capacity of institutions and human resources” – accommodation of unaccompanied minors 563.000 CHF (connected with the activity 1.3.4.)	In accordance to assessment results, plan for reconstruction/adaptation of existing accommodation capacities drafted	Report on conducted activity with the Plan for reconstruction of existing capacities	
1.3.6	Implementation of plan for reconstruction and adaptation of accommodation units for unaccompanied minors in the existing structure according to the results of analysis.	Ministry of Labour, Employment, Veteran and Social Policy Assistant minister in the Sector of family care and social welfare	IV quarter of 2016	DONATIONS: Swiss Fund for Migrations-Project: “Strengthening capacity of institutions and human resources” – accommodation of unaccompanied minors 563.000 CHF (connected with the activity 1.3.4.)	The reconstruction in line with the plan for reconstruction/adaptation of accommodation capacities for unaccompanied minors implemented	Project report on conducted activities defined by reconstruction plan	

Comment [A27]: Estimated capacity ?

Comment [A28]: The exact number of accommodation capacities and persons will be known after an assessment envisaged in the activity 1.3.4, which will be conducted through the project Support to unaccompanied minors in the Republic of Serbia.

1.4.RECOMMENDATION: 4	OVERALL RESULT	INDICATOR OF IMPACT
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;	<p>An evaluation mechanism is in place in line with good practice of the EU</p> <p>Emergency accommodation is identified in cases of sudden increases going beyond the normal capacity</p>	Statistical tool assesses on a permanent basis the occupation rate of the existing accommodation (not detention, unless criminally charged) and which can swiftly activate a buffer capacity available in case of need or emergency

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
1.4.1	According to existing capacities develop needs indicators and procedures for the state authorities for actions to take in case of inflow of a big number of irregular migrants	Ministry of Interior , Head of Border Police Directorate, Ministry of Labour, Employment, Veteran and Social Policy, Commissariat for Refugees and Migration and other state	September 2015	BUDGET (regular) 1.656 EUR for the year 2015 4.968 EUR for the year 2016 4.968 EUR for the 2017 4.968 EUR for the year 2018 TOTAL BUDGET(2015-	Needs indicators developed; Procedures for acting in case of inflow of a big number of irregular migrants defined, according to the needs indicators	Document with defined indicators containing procedures for acting in case of inflow of a big number of irregular migrants.	

		authorities		2018) 16.560 EUR			
1.4.2	Develop a training plan for the staff at accommodation centres that will be additionally engaged in case of big inflow of irregular migrants	Ministry of Interior , Head of Border Police Directorate, Ministry of Labour, Employment, Veteran and Social Policy, Commissariat for Refugees and Migration and other state authorities	September 2015	BUDGET (regular) 1.656 EUR for the year 2015 TAIEX 4.500 EUR for the year 2015	Training Plan and Programme developed for the staff at accommodation centres that will be additionally engaged in case of big inflow of irregular migrants; Training Plan and Programme adopted	TAIEX experts report with Plan I – Training Programme document.	
1.4.3	Implement a training of the staff at accommodation centres and others who shall be engaged in case of big inflow of irregular migrants, in line with the Plan	Ministry of Interior , Head of Border Police Directorate, Ministry of Labour, Employment, Veteran and Social Policy, Commissariat for Refugees and Migration and other state authorities	September 2015, continuously	BUDGET (regular) 4.140 EUR for the year 2015 1.000 EUR for the year 2016 1.000 EUR for the year 2017 1.000 EUR for the year 2018 TOTAL BUDGET(2015-2018) 7.140 EUR TAIEX 4.500 EUR for the year 2015	Number of Staff and trainings carried out at Reception Centres in line with the adopted Training Plan and Programme	Report on delivered trainings covered within Plan I – Training Programme	
1.4.4	Develop a Plan	Commissariat	As of	BUDGET(regular)	Plan developed	Document of the	

	for regular assessment of accommodation capacities in case of big inflow of irregular migrants	for Refugees and Migration , Ministry of Interior and Ministry of Labour, Employment, Veteran and Social Policy	September 2015, continuously	828 EUR for the year 2015 2.484 EUR for the year 2016 2.484 EUR for the year 2017 2.484 EUR for the year 2018 TOTAL BUDGET (2015-2018) 8.280 EUR		mechanism for assessment of accommodation capacities in case of big inflow of irregular migrants Regular report on implementation of developed Plan	
1.4.5	Identify additional capacity for short term emergency accommodation in case of sudden inflow of irregular migrants in accordance with developed Plan (activity 1.4.4)	<u>Ministry of Interior</u> Commissariat for Refugees and Migration, Ministry of Labour, Employment, Veteran and Social Policy and <u>MeI</u>	<u>September</u> <u>November</u> <u>2015</u>	In line with 1.4.1		Additional capacity for accommodation in accordance with developed Plan identified	

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Comment [A29]: Considering that the assessment of accommodation capacities in case of big inflow of irregular migrants has not yet been initiated, we are currently unable to provide the exact number of accommodation capacities. For this reason, the deadline for the implementation of the above mentioned activities has been postponed for two months.

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Comment [A30]: September is coming soon any indication as to how many places can be created at short notice would add to the credibility of this part of the action plan.

1.5.RECOMMENDATION: 5	OVERALL RESULT	INDICATOR OF IMPACT
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Continued good implementation of readmission agreements with the EU countries and finalisation of the network of bilateral agreements with all neighbouring countries which will be compatible with EU readmission agreements with third countries. A similar arrangement should be reached with Kosovo.	Serbia implementing readmission Agreements	Number of irregular migrants returned to the countries of previous residence or country of origin.
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
1.5.1	Implement readmission agreements efficiently	Ministry of Interior, Head of Administrative Affairs Directorate	Continuously,	BUDGET (regular) 397.440 EUR for the year 2015 397.440 EUR for the year 2016 397.440 EUR for the year 2017 397.440 EUR for the year 2018 TOTAL BUDGET(2015- 2018) 1.589.760 EUR	Number of received readmission requests for the Republic of Serbia nationals and third-country nationals; number of replies to the received requests for readmission of Republic of Serbia and third-country nationals; number of readmission	Statistics on the number of received requests for reception of the Republic of Serbia nationals and third country nationals, the number of responded requests and number of readmission requests sent by the Republic of Serbia.	

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1.5.2	Strengthen the capacities for implementation of readmission agreements	Ministry of Interior , Head of Administrative Affairs Directorate	Continuously,	<p>TAIEX 2.250 EUR</p> <p>BUDGET (regular) 3.726 EUR – working group costs, for the year 2015</p> <p>BUDGET (regular) 2.000 EUR –trainings, for the year 2015</p> <p>TOTAL BUDGET 5.726 EUR for the year 2015</p>	<p>requests sent</p> <p>Number of conducted study visits;</p> <p>Number of conducted expert missions;</p> <p>Number of conducted trainings</p>	<p>TAIEX report on conducted study visit, report on conducted expert missions and report on delivered trainings.</p>	
1.5.3	Conclude implementation protocols to implement the Readmission Agreement between the Republic of Serbia and the European community on readmission with the Kingdom of Spain.	Ministry of Interior , Head of Administrative Affairs Directorate	September 2015	<p>BUDGET (Regular) 497.250 EUR for the year 2015</p>	Implementation protocols signed	Protocol document deposited in the MoI archive.	

Comment [A32]: Deleted 497

Comment [A31]: Deleted Portugal

	Republic of Portugal.						
1.5.4	Conclude readmission agreement with a protocol between the Republic of Serbia and the Republic of Turkey	Ministry of Interior , Head of Administrative Affairs Directorate	January 2016	BUDGET (regular) 1.656 EUR for the year 2015	The readmission agreement with a protocol between the Republic of Serbia and the Republic of Turkey signed	“Official Gazette of the Republic of Serbia”	
1.5.5	Finalise negotiations with the aim to conclude a readmission agreement with a protocol between the Republic of Serbia and the Republic of Ukraine	Ministry of Interior , Head of Administrative Affairs Directorate	June 2016	BUDGET (regular) (2015-2016) 5.796 EUR	The readmission agreement with a protocol between the Republic of Serbia and the Republic of Ukraine signed	“Official Gazette of the Republic of Serbia”	
1.5.6	Improving monitoring capacity of the team for the implementation of strategy for the reintegration	Commissariat for Refugees and Migration, MoI, Ministry of Education, Ministry of health, Ministry of Labour and	September 2015	TAIEX 4.500 EUR for the year 2015	Set of indicators for regular reporting developed and reports standardised	Reports submitted by Team for the implementation	

Comment [A33]: Unclear how exactly – please clarify

	of returnees through development of the set of specific indicators for the regular reporting.	Social policy					
1.5.7	Provide funding for the local self governments to implement activities aimed to the reintegration of returnees	Commissariat for Refugees and Migration	continously December 2014	BUDGET (regular) 200.000 EUR for the year 2015 200.000 EUR for the year 2016 200.000 EUR for the year 2017 TOTAL BUDGET 600.000 EUR	Percentage of funds contracted and disbursed	SCRM annual report	
1.5.8	Ensure the effective transit/transfe						

Comment [A34]: Added sentence

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Comment [A35]: This indicator of result is a bit vague . The overall strategy for reintegration of returnees is not explained . Even if funds are disbursed to municipalities, the way of spending the fund is not clarified. It would be good to provide further details .

Comment [A36]: Local self-governments that propose relevant projects compatible with the objectives and activities of the Strategy, obtain funds to finance these projects through an annual program of incentives for the implementation of migration policy.

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	er to Kosovo of people returned to Serbia						
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Comment [A37]: We propose to delete this activity within the column 1.5.8 and put it under activity 1.2.4 and 1.2.4.1 – See clean version of the AP

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2. ASYLUM

CURRENT STATE OF PLAY:

The area of asylum in the Republic of Serbia is regulated by the Law on Asylum ("Official Gazette No. 109/2007), Law on General Administrative Procedure („Official Gazette of the SRJ“ no 33/97 и 31/01 и „Official Gazette of the RS“ no 30/2010), Law on Foreigners ("Official Gazette of the RS", no. 97/08) and Law on Administrative Disputes ("Official Gazette of the RS "no 111/09). On the basis of the Law on Asylum 6 bylaws were adopted. The Republic of Serbia Law on Asylum regulates the principles and conditions for the acquisition and termination of asylum, accommodation of asylum seekers during the procedure, the status, rights and obligations of asylum seekers and those persons who have been granted asylum.

The legislative framework of the area of asylum is partly in accordance with the EU *acquis* related to the area of asylum. This Action Plan is going to continue with carrying out activities for gradual harmonizing with the *acquis* and with the final result of full harmonisation with the EU Directives, especially ~~Directive (2005/85/EC) and recast 2013/32/EU Directive 2011/95/EC, Directive 2001/55 / EC and Directive 2013/33/ EU~~. In the first phase, harmonization with the relevant pieces of the *acquis* will be in the areas of : Granting access to asylum procedures in Serbia in case when the safe third country does not allow applicant to enter its territory; ~~The fact that recording of asylum seekers at the border or inside the country currently is not treated as an asylum application and thus does neither give these persons immediate access to the rights of asylum seekers nor trigger their obligations; taking steps in view of preventing irregular secondary movements for example through providing information about (a) the fact that it is the sole responsibility of the Serbian authorities to process applications made on its territory and to grant and ensure protection for persons in need and (b) the cooperation between the Republic of Serbia and EU Member States in the area of asylum as well as (c) of the negative consequences of irregular secondary movements and (d) the applicable readmission procedures between the Republic of Serbia and EU Member States~~ ~~The fact that recording of asylum seekers currently is not treated as the asylum application;~~ Estimation of age; Definition of the act of persecution; Definition of an Acting of persecution; Basis for exclusion; Definition of "safe country of origin", "first country of asylum", "safe third country", "unacceptable request" and "border procedures" , Requirement to formally terminate the procedure in case of implicit withdrawal or cancellation procedure; the rights of international protection beneficiaries.

In the second phase, the Republic of Serbia shall conduct activities in the purpose of implementing the Regulation (EC) No. 2725/2000 and Council Regulation (EC) No. 407/2002 on the establishment of 'EURODAC' System for the comparison of fingerprints, and conducting the Council Regulation (EC) No. 604/2013 on introducing criteria and mechanisms for determining the Member State responsible for reviewing applications on international protection which third-country national or a stateless person submits in one of the Member States („Dublin“ Regulation).

The competences in the area of asylum in Republic of Serbia are divided among several state institutions which implement the Law on Asylum.

Comment [A38]: This Directive was repealed by Directive 2013/32/EU

The Republic of Serbia Ministry of Interior is responsible for conducting first instance asylum procedure. The Government Conclusion Conf. 05 no: 00 - 11/2015-1 from 16 January 2015 approved the Rulebook amending the Rulebook on internal organization and job classification in the Ministry of Interior, Conf. 01 no: 9681/14-8 of 14 January 2015. The amendments to the Rulebook on internal organization and job classification in the Ministry of Interior foresee the establishment of Asylum Office instead of Asylum Section in the Department for Foreigners in the Border Police Directorate, which is directly responsible to the head of Border Police Directorate. Asylum office has been expanded for 23 places, and now in total is 29 officials within the Office. Together with that, out of 29 places, there will be 4 places for interpreters and 19 places for case-workers out of which 25 shall be filled up by redistribution of the Republic of Serbia MoI employees, and 4 new work positions intended for interpreters shall be filled by hiring new staff in the Republic of Serbia MoI. **Until now 17 posts are fulfilled and others are going to be fulfilled according to the deadlines which are defined in activity 2.1.2.1.-1 quarter of 2016. Although Asylum office is the part of the Border Police Directorate the employees in Asylum Office who conduct registration of asylum seekers, take applications, interviews and make decisions are not uniformed part of the Border Police Directorate and they do their job in civilian. Most of them are finished law.**

This body is responsible for processing the asylum requests, conducting interviews with asylum seekers and deciding upon filed asylum requests. Upon first instance decisions it is allowed to file a complaint before the Republic of Serbia Asylum Commission.

Commissariat for Refugees and Migration provides accommodation and basic life conditions to asylum seekers in Asylum Centers, as well as the integration of persons who have been granted asylum;

Ministry of Labor, Employment, Veteran and Social Affairs which takes care of persons with special needs through social work centers and provides social assistance to asylum seekers and persons who have been granted asylum;

Ministry of Health is responsible for medical examinations of persons seeking asylum upon reception at the asylum center and provides medical care and assistance to asylum seekers and persons granted asylum through health centers.

Asylum Commission is an independent body of the Republic of Serbia Government, consisting of the president and eight members, representatives of the Ministry of Health, Commissariat for Refugees and Migration, Ministry of Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labor, Employment, Veteran and Social Affairs and two civil sector representatives. It makes decisions in second instance and through appellate process monitors the implementation of the Law on Asylum in the Republic of Serbia in terms of effective access to asylum procedure and processing asylum requests of the first instance authority. Upon the second instance decisions it is allowed to file a complaint before the Republic of Serbia Administrative Court.

Republic of Serbia Ministry of Justice –Administrative Court decides upon filed claims against second instance decisions. This is the final stage of the

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Comment [A39]: pls specify how many posts are fulfilled so far

Comment [A40]: When will all these places be filled = fully staffed – early 2016 ?

Comment [A41]: 17 posts are fulfilled and others are going to be fulfilled according to the deadlines which are defined in activity 2.1.2.1.-1 quarter of 2016

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proceedings.

Besides public institutions, non-governmental organizations and UNHCR are included in the national asylum system as well. They are dealing with the protection of asylum seekers' rights and providing psychological assistance, while UNHCR, in line with its mandate, monitors the implementation of the Convention of the Refugees' Status from 1951 and related Protocol from 1967, since the Republic of Serbia is signatory to said Convention.

The Republic of Serbia is facing a significant increase in the number of persons expressing the wish to apply for asylum in the Republic of Serbia. The vast majority of these move on at relatively short notice but nevertheless pose a considerable pressure on the Serbian asylum ~~system. Recent~~ ~~Recent~~ ~~system~~ ~~Recent~~ data are as follows : in 2008 there has been 77 of them, in 2009 – 275, in 2010 – 520, then great increase of 3134 confirmations issued in 2011, in 2012 - 2723, in 2013 – 5066, in 2014 16,500.

Also, during the 2014, a civilian police officers are deployed at all Asylum Centres (Banja Koviljača, Bogovađa, Krnjača, Tutin i Sjenica) in order to register the asylum seekers.

In the period 1-~~j~~January - ~~2830. f~~February 2015, there were 4962 confirmations issued. from wick there was 2226 accomodated in the Asylum Centres, Out of that number was registered 114 persons, 112 asylum applications submitted 8 interviews conducted and 98 decisions were made.

The accommodation capacities of asylum centers are not sufficient to ensure that all asylum seekers could adequately accommodate. Asylum seekers are recurrently being received in five of reception centers which are open. Asylum Centre in Banja Koviljača is the only facility owned by the state. This center exists since 2008 and has a capacity of 100 accommodation places. It was primarily designed to be a specialized institution to accommodate unaccompanied minors. The Center for asylum in Bogovadja was opened in 2011, it has 160 accommodation places and space is rented from the Red Cross in Belgrade. Centers for asylum in Sjenica and Tutin with 150 accommodation places each were opened during the winter of 2013. Although both centres were opened as response of the urgent needs, the constant pressure on accommodation capacities imposed refurbishment and further extension of these facilities. These facilities are rented through a contract on service given by the local municipal authority. Asylum Centre in Obrenovac, whose accommodation capacity was 100 accommodation places, is closed after major natural disasters (floods) that have affected the Republic of Serbia in May 2014. On 15 August 2014 another center for asylum was opened in Krnjača with 200 accommodation places in facilities of collective center for refugees. In 2014, in centers for asylum, over 11,118 persons have been placed (Bogovađa 3.411, Banja Koviljača 942, Tutin 2.360, Sjenica 2.154 and Krnjača 1.665, Obrenovac 586), which is an alarming increase bearing in mind that in the overall period from 2008 to 2014, there were 10,651 persons.

The increase of the number of asylum seekers is reflected also in the increase of the budget of the Commissariat for Refugees and Migration. In 2009 funds allocated to asylum were 75.000 EUR and in 2012 they were multiplied by ten times to 737.000 EUR. Parallel with the influx of the asylum seekers the

budget in 2013, was over 1 million EUR and in 2014 total of funds was 1 408 million EUR

With the aim to provide sufficient capacities for regular accommodation of asylum seekers, new facility will be opened and equipped in the appropriate location. The new facility should provide adequate standard of living for the asylum seekers and to ensure the constancy of capacity taking into account that the majority of premises presently using for their accommodation is rented.

In order to prepare the adequate contingency plan in case of mass influx of migrants, expert support has been provided through TAIEX. First draft of the plan has been prepared and is currently being consolidated with other relevant state authorities and thereafter adopted. The plan envisages that, depending on the needs and conditions on the ground, capacities will be increased in three stages. First stage will comprise increase of the existing capacities for 15%, second stage up to 300%, whereas the third stage refers to completely unpredictable situations

In 2013, the Republic of Serbia has established an electronic biometric database with fingerprints and photographs administered by the Republic of Serbia Ministry of Interior. Collected fingerprint data are transferred to an electronic record that is compatible with the specifications of EURODAC. The Asylum Section has a database for the collection of administrative information (personal data) related to asylum seekers.

Also, during the 2014, a civilian police officers are deployed at all Asylum Centres (Banja Koviljača, Bogovađa, Krnjača, Tutin i Sjenica) in order to register the asylum seekers.

Regulation on conditions for the accommodation of persons granted refugee status or subsidiary protection has been prepared and procedure for the adoption is in the final stage. Positive opinion from all relevant ministries is obtained and proposal is sent to the Legal Secretariat of the Republic of Serbia

With the aim of harmonising with the EU Directives-instruments in this area, as well as undisturbed further implementation of the harmonised legislation, in May 2015 the Ministry of Interior of the Republic of Serbia has will started with the IPA 2013 - twinning project Support to National Asylum system in the Republic of Serbia which is carried by the Commissariat for Refugees and Migration in partnership with Ministry of interior. The final result of the project will be the amended Law on Asylum and strengthened capacities for its implementation (trainings for for case handlers in the asylum office and training for staff directly or indirectly dealing with candidate asylum seekers - border police, translators).

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2.1.1 RECOMMENDATION: 1	OVERALL RESULT	INDICATOR OF IMPACT
Establish a permanent first instance body, as foreseen in 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 and Migration which is responsible for the accommodation of asylum seekers, both bodies respect the procedural standards of the Directive on Asylum Procedures	Asylum Office is established and provided with material - technical and administrative capacities for its smooth functioning as well as the smooth functioning of the Asylum Centers	The number of submitted requests per year number of cases where refugee status or subsidiary protection was granted , number of recognitions versus rejections Number of accommodated asylum seekers on an annual basis

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
2.1.1.1	Provide funding in the budget in accordance with the needs of the recently established Asylum Office	Ministry of Interior	As of 2015.	BUDGET (regular) 300.000 EUR and (additionally) 48.000 EUR for the year 2015 BUDGET(regular) 300.000 EUR and (additionally) 48.000 EUR for the year 2016	Functional Office for Asylum	Annual report on the work of MOI deposited in MOI archive Budget for 2015 published on web presentation of MOI	

				<p>BUDGET(regular)300.000 EUR and(additionally)48.000 EUR for the year 2017</p> <p>BUDGET (regular) 300.000 EUR and (additionally)48.000 EUR for the year 2018.</p> <p>TOTALBUDGET(regular) 900.000 EUR TOTALBUDGET (additionally) - 144.000 EUR</p> <p>TOTAL BUDGET (2016-2018) - 1.044.000 EUR</p> <p>Connected with the activity 2.1.1.1</p>			
2.1.1.2	Provide funding in the budget in accordance with the needs of the Commissariat for Refugees and Migration	Commissariat for Refugees and Migration,	Continuously	<p>BUDGET (regular)</p> <p>For asylum</p> <p>2.166.000 EUR for the year 2015</p> <p>2.166.000 EUR for the year 2016</p>	Full support and access to rights offered to asylum seekers during the entire procedure	Information Booklet of Commissariat for Refugees and Migrations available on the website	Budget RS 2015-

				2.166.000 EUR for the year 2017	Full support and access to rights offered to persons granted international protection	2018	
				TOTAL BUDGET (2015-2018) 6.498.000 EUR			
2.1.1.3	Conduct the needs analysis after adoption of the new Law on Asylum and, based on it, determine the amount of funds needed for functioning of the national asylum system	Commissariat for Refugees and Migration , in cooperation with the Ministry of Interior	III quarter 2016	IPA 2013 - Twinning Project Support to National Asylum system in the Republic of Serbia 1.000.000 EUR	The analysis about the amount of funds needed for functioning of the national asylum system developed	Report on conducted activities within IPA - IPA 2013 - Twinning Project with analysis document Report of Commissariat for Refugees and Migration	
2.1.1.4	Revision of the budget in accordance with the activity 2.1.1.34.	Commissariat for Refugees and Migration , Ministry of Interior	IV quarter 2016	BUDGET (regular) 8280 EUR for the year 2015 8280 EUR for the year	Budget adopted in accordance with the results of the analysis	Information Booklet of Commissariat for Refugees and Migrations available on the	

Comment [A42]: How does this compare to the budget of previous years ? Could you clarify in introduction ?

Comment [A43]: The increase of the number of asylum seekers is reflected also with the increase of the budget of the Commissariat for Refugees and Migration. In 2009 funds allocated to asylum were 75.000 EUR and in 2012 they were multiplied by ten times to total amount of 737.000 EUR. Parallel with the influx of the asylum seekers, the budget in 2013 was over 1 million EUR and in 2014 total of funds was 1 408 million EUR. -but in introduction part

				2016		website	
				TOTAL BUDGET(2015-2016) 16.560 EUR			

2.1.2 RECOMMENDATION: 2	OVERALL RESULT	INDICATOR OF IMPACT
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, written and oral translation	Administrative capacities for conducting asylum procedure ensured	Number of employed and trained officers

Comment [A44]: Please ensure that this also includes the appeal level

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
2.1.2.1	Fill up staff vacancies in the Asylum Office according The Government Conclusion Conf. 05 no: 00 -	Ministry of Interior, head of the Border Police Directorate	I quarter of 2016	BUDGET (regular) 300.000 EUR and (additionally) 48.000 EUR for the year 2016	Provided sufficient number of officers in the Asylum Office -	Reportoffilledpositions inaccordancewith the adoptedRulebook	

Comment [A46]: Question : the Training capacirt will probably not be in place in early 2016 Who will train the newly recruited staff ?

Comment [A47]: Until the beggining of the TWINING project the newly recruited staff will be trained by the already employed staff from The asylum Office and Commissariat for Refugees and Migration who have passed the EASO train the trainers trainings on Evidence assesment module, Inclusion module and Advanced interview technics module

	<p>11/2015-1 from 16 January 2015 which approved the Rulebook amending the Rulebook on internal organization and job classification in the Ministry of Interior, Conf. 01 no: 9681/14-8 of 14 January 2015. The amendments to the Rulebook on internal organization and job classification in the Ministry of Interior foresee the establishment of Asylum Office instead of Asylum Section in the Department for Foreigners. Asylum office has been expanded for 23 places, and now in total is 29 officials within the Office. Together with that, out of 29 places,</p>		<p>300.000 EUR and 48.000 EUR for the year 2017</p> <p>300.000 EUR and 48.000 EUR for the year 2018.</p> <p>TOTAL BUDGET (regular) 900.000 EUR</p> <p>TOTAL BUDGET (additionally) - 144.000 EUR</p> <p>TOTAL BUDGET (2016-2018) - 1.044.000 EUR</p>	<p>out of 29 anticipated work positions, 25 shall be filled up by redistribution of the Republic of Serbia MoI employees, and 4 new work positions intended for interpreters shall be filled by hiring new staff in the Republic of Serbia MoI</p>		
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Comment [A48]: is budget earmarked already?

	there will be 4 places for interpreters and 19 places for case-workers						
2.1.2.2	Develop and deliver the training programme for five trainers for each module, that will later provide training on topics of advanced interview techniques, work with vulnerable groups, information of country of origin, inclusion	Ministry of Interior Commissariat for Refugees and Migration Asylum Commission Administrative Court	IV quarter of 2016	IPA 2013 - twinning project : Support to National Asylum system in the Republic of Serbia 1.000.000 EUR	The training programme developed and trainings for trainers completed	Report on conducted activities within IPA - IPA 2013 - twinning project Training plans and programs deposited in MOI archive	
2.1.2.3	Trainers will deliver training program for case handlers in the asylum office and training for staff directly or indirectly dealing with asylum seekers	Ministry of Interior Commissariat for Refugees and Migration	From IV quarter of 2016 continuously	IPA 2013 - twinning project : Support to National Asylum system in the Republic of Serbia 1.000.000 EUR BUDGET(regular) 2.700 EUR – (a 3	Training program is being delivered on a regular basis For 2016 -15 case handlers, 30 for staff directly or	Report on conducted activities within IPA - IPA 2013 - Twinning Project with reports on delivered trainings for civil servants in the competent authorities Report on delivered	

Comment [A45]: Please shorten

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Comment [A49]: There will be 29 case handlers
?! Pls ensure coherence on numbers and clarify which type of staff will be recruited

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				days training) (2017-2018)	indirectly dealing with asylum seekers	training of the Ministry of Interior and Commissariat for Refugees and Migration	
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Comment [A50]: The training as said, are not going to include only staff of the Asylum Office, but also all employees who are directly or indirectly dealing with asylum seekers (Asylum Office, Commissariat for Refugees and Migration, Social centers, judges, Asylum Commission ...). 30 is not the number of staff in the Asylum Office

2.1.3 RECOMMENDATION: 3	OVERALL RESULT	INDICATOR OF IMPACT
Define 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 the demands of the present changeable migratory flows (contingency plan)	<p>The reception capacity broadly corresponds to the needs</p> <p>An efficient mechanism is in place for the monitoring the accommodation capacity for asylum seekers in the case of increased number of asylum seekers and permanent accommodation capacities in accordance with European standards</p>	Increased number of permanent accommodation and accommodation capacity in the case of increased number of asylum seekers

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
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				OF FINANCING			
2.1.3.1	Opening and providing full equipment for the new asylum centre, in accordance with the needs of the asylum seekers	Commissariat for Refugees and Migration	IV quarter of 2017	IPA 2014 –Works and Supply project Action Document , Support to Home Affairs Sector 3.240.000 EUR National contribution:230.000 EUR	Center is operational for 300 persons	Report on conducted activities within IPA - IPA 2014 - twinning project, concerning opening and relating to the opening and equipment of asylum Center Reports of Commissariat for Refugees and Migration, Report of European Commission, Report of , Government of RS	
2.1.3.2.	Implementing awareness raising activities for hosting communities	Commissariat for Refugees and Migration	Continuously	BUDGET (regular) 10.000 EUR SDC project – 20.000 EUR	Public awareness campaign for hosting community successfully conducted can be added as source of verification	Reports of Commissariat for Refugees and Migration	

Comment [A51]: It is uncertain what will be the third permanent asylum center. Mala Vrbica hasn't been confirmed by the Authorities.

Comment [A52]: explanation is in introductory part

2.1.3.3	Develop the contingency plan for responding, sheltering and accommodating asylum seekers in case of their mass influx	Commissariat for Refugees and Migration, MOI ,Ministry of Labour, Employment, Veteran and Social Policy	June September 2015	BUDGET (regular) 5.796 EUR for the year 2015 TAIEX 4.500 EUR TAIEX 4.500 EUR TOTAL TAIEX 9.000 EUR for the year 2015	The plan for responding, sheltering and accommodation developed	Report of Commissariat for Refugees and Migration	
2.1.3.4	Identifying facilities that can be engaged after short notice for the accommodation of asylum seekers in the case of their mass influx that will increase regular capacities for 15% Providing additional capacities for the	Commissariat for Refugees and Migration	according to the needs	BUDGET (regular)- Depending on the number of the accommodated persons	Accommodation needs of all the asylum seekers are met	Government Conclusion on providing additional facilities Report of Government Government Conclusion on opening new asylum Centers Report of, Government of RS	

Comment [A53]: It would be good to have a target amount as June is now

Comment [A54]: [expalnation is in intodactery part](#)

Comment [A55]: Any rough estimates?
[Identifying facilities that can be engaged after short notice for the accommodation of asylum seekers in the case of their mass influx that will increase regular capacities for 15%.](#)

Comment [A56]: [Government Conclusion on providing additional asylum facilities](#)

Comment [A57]: Please clarify position on Mala vrbica

	accommodation of the asylum seekers during the periods of their mass influx in accordance with contingency plan						
2.1.3.5	Continue with regular coordination meetings of Commissariat for Refugees, Ministry of Interior and other relevant institutions for reviewing the overall situation in the field of asylum with special emphasises on available accommodation capacity versus the needs and expected migration	Commissariat for Refugees and Migration, Ministry of Interior	Continuously	BUDGET (regular) (2015-2018) 1.242 EUR for the year 2015 1.242 EUR for the year 2016 1.242 EUR for the year 2017 1.242 EUR for the year 2018 TOTAL BUDGET (2015-2018) 4.968 EUR	Number of meetings, number of decisions adopted	Minutes of meetings of Commissariat for Refugees and Migration and Ministry of Interior	

	<p>flows</p> <p>Establish the mechanism of regular meetings of Commissariat for Refugees and Ministry of Interior for reviewing the capacity of the asylum centres in accordance with needs and expected migration flows based on information from neighbouring countries and other relevant sources</p>						
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Comment [A58]: Please see previous comment : clarify whether this is a mechanism that continuously monitors the capacity versus the needs. And if so, describe it as such.

Comment [A59]: Continue with regular coordination meetings of Commissariat for Refugees, Ministry of Interior and other relevant institutions for reviewing the overall situation in the field of asylum with special emphasises on available accommodation capacity versus the needs and expected migration flows.

2.1.4 RECOMMENDATION: 4	OVERALL RESULT	INDICATOR OF IMPACT
<p>Outline measures to further align legislation with the <i>acquis</i> in the area of asylum 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, among other:</p> <ul style="list-style-type: none"> - expression of intention to apply for asylum, is treated as a request for asylum - access to asylum procedures for rejected asylum seekers who can not return to a safe third country is guaranteed, - Implicit withdrawal/abandonment leads to completion of the procedure or rejection rather than to the termination of the proceedings, - The deadlines are respected, amongst other, through effective legal remedies - To carry out the audit of the concept of safe third country and its application - To create a training plan adjusted to employees in all authorities involved 	<p>The legislation is fully harmonized with the European <i>acquis</i> and the mechanism for monitoring the implementation of legislation is established</p>	<p>The legislation is fully implemented</p> <p>The number of requests resolved is in accordance with the harmonized Law on Asylum</p>

Comment [A60]: Which will be this mechanism ? (see 2.1.4.5)

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
2.1.4.1	Conduct Gap analysis of the existing legislative framework in the field of asylum	MoI/Asylum Office in co-operation with Commissariat for Refugees and Migration,	September 2015	IPA 2013 - twinning project Support to National Asylum system in the Republic of Serbia 1.000.000 EUR	Drafted gap analysis	Report on conducted activities IPA 2013-twinning project with the document Gapanalysisof the existing legislativeframework in thefield of asylum	
2.1.4.2	To draft Law on Asylum, which is fully harmonized in line with the Directive 2013/32/ EU, Directive 2011/95 / EU, Directive 2013/33/ EU, Directive 2001/55 / EC	MoI/Asylum Office Commissariat for Refugees and Migration, Commissioner in cooperation with the Ministry of Interior	I quarter 2016	IPA 2013 - twinning project Support to National Asylum system in the Republic of Serbia 1.000.000 EUR	Prepared draft of Law on Asylum	Official gazette of RS	
2.1.4.3	Adopt the new Law on Asylum	Parliament	I quarter of 2016	BUDGET (regular) 1.656 EUR for the year 2016	The Law on Asylum adopted, standards from the Directive 2013/32/EU, Directive	Official gazette of RS	

					2011/95/EU, Directive 2013/33/EU, Directive 2001/55/EC incorporated		
2.1.4.4	Develop by-laws in accordance with the new Law on Asylum	MoI/ Asylum Office in co-operation with Commissariat for Refugees and Migration,	I quarter of 2016	IPA 2013 - twinning project Support to National Asylum system in the Republic of Serbia - 1.000.000 EUR Connected to the activity 2.1.1.4 BUDGET (regular) for the year 2015 3.533 EUR	By-laws adopted	Report on conducted activities - IPA 2013 - twinning project Official gazette of RS	
2.1.4.5	To monitor and evaluate the implementation of the Law on Asylum and to give recommendations for further improvement The evaluation will pay particular attention to	MoI/ Asylum Office in co-operation with the Commissariat for Refugees and Migration	I quarter of 2017, continuously	BUDGET (regular) 4.140 EUR for the year 2016 8.280 EUR for the year 2017 8.280 EUR for	Drafted report of the Commission for Asylum	Reports of the Commission for Asylum	

	adequately and timely processing of applications and to effective access to the asylum procedure,			the year 2018			
				TOTAL BUDGET(2016-2018) 20.700 EUR			
2.1.4.6	<p>Strengthen cooperation with EU Member States regarding the return of non-Serbian asylum applicants in order to process their asylum applications in Serbia in line with the safe third country principle.</p> <p>Implement the EU-Serbia readmission agreement through Sstrengthening cooperation with EU Member States regarding the return of asylum applicants having transitted through coming from Serbia in view of</p> <p>(1) allowing the</p>						

Comment [A61]: We have included this activity within the clean version of the document In line with IPA project „ Further developing and implementing mechanisms for a comprehensive and consistent monitoring of legal migration in Republic of Serbia “ – We will include this into the „clean“ version of the Document. However we will not, for now, include the budgeting for this activities since the component four (4) of the Project entitled „Assessment of the Republic of Serbia System for the monitoring of foreigners with the imposed measure of mandatory leave the country“ which refers to voluntary and forced return of third country nationals still did not define the total budget for this activity

	<p>application of the safe third country principle in relation to persons with potential protection needs and</p> <p>(2) the effective implementation of the readmission agreement in relation to persons without protection needs.</p>						
2.1.4.7 6	To strengthen cooperation with countries in the region through existing regional initiatives, international organizations and aid programs such as MARRI, ICMPD, ENARO	Commissariat for Refugees and Migration, Ministry of Interior	Continuously	<p>BUDGET (regular) 5.400 EUR for the year 2015</p> <p>5.400 EUR for the year 2016</p> <p>5.400 EUR for the year 2017</p> <p>5.400 EUR for the year 2018</p> <p>TOTAL BUDGET (2015-2018) 21.600 EUR</p>	Number of completed projects. Number of meetings, conferences, joint initiatives	<p>Report of Commissariat for Refugees and Migration, Ministry of Interior on conducted joint initiatives</p> <p>Reports from meetings</p> <p>Reports from Conferences</p> <p>ENARO and MARRI annual reports</p> <p>ICMPD assessment</p>	

Comment [A62]: Please spell out in a footnote what this organisation is

Comment [A63]: European Network of Asylum Reception Organizations

2.1.5 RECOMMENDATION: 5	OVERALL RESULT	INDICATOR OF IMPACT
Implement an adequate integration procedure applicable to beneficiaries of various forms of international protection, including language courses and effective access to the labour market	Provided for the integration of persons granted international protection in accordance with European standards	Number of persons who received support in the integration

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
2.1.5.1	Develop a by-law regulating the accommodation of beneficiaries of various forms of international protection	Commissariat for Refugees and Migration,	April Jan September 2015	BUDGET (regular) 3.533 EUR for the year 2015	The by-law developed	Official Gazette of RS	
2.1.5.2	Prepare programmes of	Commissariat for Refugees	December 2015	IPA 2013 - Twinning project:	The by-law on Integration	Official Gazette of RS	

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Comment [A64]: jun 2015

Comment [A65]: Please inform about state of play in the introductory part

	integration of persons granted international protection	and Migration in cooperation with Ministry of Labour, Employment, Veteran and Social Policy, Ministry of Education		Support to National Asylum system in the Republic of Serbia - 1.000.000 EUR	programmes prepared		
2.1.5.3	Planning and allocating funds needed for integration based on the number of cases where international protection was granted	Commissariat for Refugees and Migration, Commissioner	December 2015	BUDGET(regular): 160.000 EUR for the year 2015 160.000 EUR for the year 2016 160.000 EUR for the year 2017 160.000 EUR for the year 2018 TOTAL BUDGET(2015-2018) 640.000 EUR	Funds ensured	Budget RS 2015-2018	

2.1.6 RECOMMENDATION: 6	OVERALL RESULT	INDICATOR OF IMPACT
<p>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 the 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</p>	<p>Well before accession, all the relevant EU acquis on asylum matters is transposed into the national legislation or directly applicable. All technical requirements are in place to co-operate in the context of the Dublin Regulation and the national biometric database is fully compatible with EURODAC. All necessary staff has been recruited and trained to operate the national infrastructure of the EURODAC system</p>	<p>Administrative, technical and infrastructural capacities in place for the usage of EURODAC and cooperation with EASO</p>

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
2.1.6.1	<p>With the support of external experts, conduct an assessment of administrative and information-communications capacities and training needs,</p>	<p>Ministry of Interior, head of the Border Police Directorate</p>	<p>Two years prior the EU accession</p>	<p>Proposed for IPA 2017Twinning light 500.000 EUR BUDGET(regular) 8.280 EUR</p>	<p>The analysis conducted, report with recommendations prepared</p>	<p>Report on twinning light - The analysis conducted, report with recommendations</p>	

	to create necessary preconditions for electronic data exchange with the EURODAC system and to implement the Dublin Regulation						
2.1.6.2	Define procedures to be set up for the purpose of smooth data exchange with the EURODAC system	Ministry of Interior , head of the Border Police Directorate	Two years prior the EU accession	Proposed for IPA 2017Twinning light- 500.000 EUR In line with the activity 2.1.6.1.	Procedures defined	Procedures for data exchange with the EURODAC deposited in MOI archive	
2.1.6.3	Conduct the analysis of needs for training of technical staff and employees in the field of asylum activities, who	Ministry of Interior , head of the Border Police Directorate and Commissariat for Refugees and Migration	Two years prior the EU accession	Proposed for IPA 2017Twinning light 500.000 EUR In line with the activity 2.1.6.1.	The analysis conducted and report with recommendations prepared	Report on twinning light – with analysis of needs for training of technical staff and employees in the field of asylum activities, who will use the	

	will use the EURODAC system					EURODAC system with recommendations	
2.1.6.4	Conduct training for those employees who will provide technical support to users of the EURODAC system	Ministry of Interior , head of the Border Police Directorate n Commissariat for Refugees and Migration	Two years prior the EU accession	Proposed for IPA 2017Twinning light -500.000 EUR In line with the activity 2.1.6.1.	Training of employees completed	Report on twinning light with Report on delivered trainings	
2.1.6.5	Provide equipment for EURODAC system accession	Ministry of Interior	One year prior the EU accession	Will be proposed for IPA 2018 + Supply in line with analysis report from activity 2.1.6.1Twinning light	Provided accession to EURODAC system	Report on conducted activities IPA – concerning theequipping EURODAC system accession	
2.1.6.6	Testing equipment for EURODAC system	Ministry of Interior	Three months prior to EURODAC accession	Will be proposed for IPA 2018 + Link with activity 2.1.6.5Twinning light	Provided accession to EURODAC system	Report on test results of equipment for EURODAC system	

2.1.6.7	Strengthen capacities of the Ministry of Interior and Commissariat for Refugees and Migration with the aim of creating necessary structures for cooperation with EASO and the use of means from the Asylum, Migration and Integration Fund	Ministry of Interior, Commissariat for Refugees and Migration	One year prior the EU accession	BUDGET (regular) 120.000 EUR	Employees and trained personnel of the Ministry of Interior and Commissariat for Refugees and Migration with the aim of creating necessary structures for cooperation with EASO and the use of means from the Asylum, Migration and Integration Fund	Report on delivered trainings with the aim of creating necessary structures for cooperation with EASO and the use of means from the Asylum, Migration and Integration Fund	
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Comment [A66]: And Administrative court – added within clean version

3. VISA POLICY

CURRENT STATE OF PLAY:

The visa policy legal framework consists of the Law on Foreigners (Official Gazette of RS, No. 97/08) and sub-legal acts or enactments such as: Visa Rules, Regulation on more specific conditions to deny foreigners entry to Serbia; Rules concerning more specifically-defined conditions and method of visa-issuing at border-crossing points (BCPs), and the Instructions for visa application processing within the Visa Information System (VIS). Visas are issued by the diplomatic missions and consular posts of the Republic of Serbia in foreign countries on the basis of prior consent by the Ministry of Internal Affairs.

Serbian visa regime stems from Government decisions and bilateral treaties and is, for the most part, aligned with the EC Decision 539/2001. As for Annex I to the EC Decision 539/2001, a visa to enter the Republic of Serbia is not required for nationals of Belarus, Bolivia, Cuba, Kazakhstan, Mongolia, Russian Federation, Tunisia, Turkey and Ukraine (a total of 9 countries), whereas with regard to the positive EU list contained in Annex II to the Decision an entry visa is required for nationals of Antigua and Barbuda, Bahamas, Brunei Darussalam, Colombia, Dominica, Grenada, Guatemala, Honduras, Kiribati, Malaysia, Marshall Islands, Mauritius, Micronesia, Republic of Moldova, Nauru, Nicaragua, Palau, Panama, Paraguay, Peru, Saint Lucia, Saint Vincent and the Grenadines, Salvador, Samoa, Solomon Islands, Saint Kitts and Nevis, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, Vanuatu and Venezuela (a total of 33 countries). Before its entry into the Union, Serbia will fully harmonize its visa regime with that in place in EU Member States and will, consequently, adopt a Schedule of specific and time-limited activities (Visa Regime Harmonization Plan) which will, *inter alia*, also include efforts aimed at administrative capacity building. In the framework of such activities, consideration will also be given to re-establishing a visa regime with countries in respect of which there is a departure from the list of third countries for which there is a visa requirement to enter the EU.

The visa-issuing system is to a big extent harmonised with the provisions of EC Decision 810/2009 (Visa Code). In order to eliminate weaknesses in administrative and technical capacity building, steps are being taken to amend legal regulations and approximate them to the EU visa policy legislation (EU Regulation 539/2001, Visa Code) With regard to that, Serbia shall adopt a new Law on Foreigners and a new Law on Foreign Affairs, as well as relevant bylaws (Visa Regime Decree, Bylaw on Visas, VIS User Guide etc). Additionally, legal instruments will be in place to ensure that the applicants are informed of the outcome of the visa application, namely that they may appeal against the refused visa.

Aiming at further harmonisation with the EU Visa regime, the Government of Serbia adopted a Decision (30 October 2014) on visa free entry to the Republic of Serbia for holders of foreign passports having a valid Schengen, UK and other Member States' visa, or visa of the United States of America, and for holders of foreign passports having residence permit in the countries of the Schengen area, EU or the United States of America. The said categories of foreign

nationals, under the Decision which took effect on 8 November 2014, are allowed to enter, transit through and stay in the Republic of Serbia for a period not exceeding 90 days during a six-month period.

The Republic of Serbia has cut the number of visas issued at the border, which is done in accordance with the Law on Foreigners in force only in exceptional cases (medical emergencies, humanitarian aid and for personal and professional reasons such as for sport teams). In such instances, Type “B” (transit) visa (one transit) or Type “C” (short-stay) visa (one entry for a stay of up to 15 days) are issued. During 2012, 204 visas were issued at the border as opposed to 461 visas in 2013, but in the period from 1 January to 1 November 2014 only 180 such visas were granted. More than 95 per cent of visas have been issued to participants of international sporting events, and the issue of such visas has not been systematic but the result of an urgent need or the specificity of the situation. The trend of reduction of the number of visas issued at the border continues, with the ultimate aim of acting fully in line with the EU Acquis. In order to maintain the decrease the number of visas issued at the border, cooperation will be improved and intensified with organizers of big sporting events so that timely visas can be granted at the Serbian diplomatic missions or consular posts.

As of 21 June 2014 Serbia abolished the issuance of exit visas for Serbian citizens - holders of Maritime and Shipping booklets as well as the issuance of other visas on the basis of bilateral agreements, in accordance with amendments on the Law on Travel Documents.

Regarding the documents security and visa characteristics, a highest possible level of harmonisation has been assured, especially with the ICAO standards. The visa sticker’s shape and format is similar to that of the Schengen Visa sticker, but its colour and security elements differ. Entry visas for Serbia are issued by affixing the visa sticker onto the passport and by inserting the photo and entering information in the visa form mechanically. The visa form is printed by the Serbia Institute for Manufacturing Banknotes and Coins. Full harmonization will only be possible after we receive classified technical specifications about the uniform Schengen Visa format that will have to be implemented prior to formal accession. Future activities will revolve around further improvements in the operation of this segment and capacity building to receive classified information on security details of travel documents and visa format and on their practical application.

A national VIS was put in place in 2012 on the basis of the model applied in EU Member States and it connected Serbian diplomatic missions and consular posts with the Ministries of Foreign Affairs and of the Interior and is located within the Ministry of Foreign Affairs. The VIS has been operational in 82 diplomatic missions and consular posts of the Republic of Serbia throughout the world and it will be installed in the remaining nine diplomatic missions (Baku, Damascus, Havana, Nicosia, Sofia, Doha, Riyadh, Beirut and Tehran). From the beginning of VIS operation (inclusive of 7 November 2014) a total of 43,145 visas have been granted out of 51,366 applications filed. Training courses to manage visa issues are planned on a continuous basis for consular officials of the Ministry of Foreign Affairs and for the staff of diplomatic missions and consular posts, as well as for the staff of the Ministry of the Interior. The current VIS has an electronic database or visa records that can be accessed by the Ministry of the Interior, Ministry of Foreign Affairs and the diplomatic missions and consular posts of the Republic of Serbia in foreign countries, which are linked to the VIS. Once an in-depth expert and technical analysis is completed, further IT and technical imperfections will have to be removed and standardized software used to allow links with other databases. In this

segment, any professional, expert and material-technical support and assistance by the EU and its Member States (TAIEX, TWINNING, relevant IPA funds or any other form of grants) will be welcome.

All underneath measures will be developed and implemented in [coherence with the context of the future Schengen Action Plan- \(2018\)](#).

3.1. RECOMMENDATION: 1	OVERALL RESULT	INDICATOR OF IMPACT
Outline for measures to ensure that national legislation complies with EU Visa Regulation 539/2001 and to address the shortcomings in the administrative and technical capacities to comply with this Regulation	The Republic of Serbia's Visa regime towards third country nationals is fully aligned with the relevant EU Acquis	Serbia issues visas in line with the EU Acquis

No.	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
3.1.1	Draft a proposal of Visa Regime Harmonization Plan in line with the EU Visa Regime	Ministry of Foreign Affairs	IV quarter of 2018	BUDGET (regular) for the year 2018 3.726 EUR	Adopted a Plan that defined capacities, deadlines and instruments for harmonization of Visa regime	Document Visa Harmonisation Plan (Ministry of Foreign Affairs Archive)	
3.1.2	Align the bilateral	Ministry of Foreign Affairs-	Not later than 6 months	BUDGET (regular)	Bilateral agreements	Official Gazette of the Republic of	

	agreements on visa exemption which will be concluded and making a decisions on Visa regimes toward third countries, having in mind EU Regulation 539/2001	Head of the Visa Policy Department , Ministry of Interior	prior to Serbia's accession to the EU	16.020 EUR	concluded, decisions has been made regarding Visa regime with third countries	Serbia	
3.1.3	Improve technical and administrative capacities necessary for the implementation of harmonized Visa Regime	Ministry of Foreign Affairs – Head of the Visa Policy Department, Ministry of Interior	6 months prior to Serbia's accession to the EU	22. 000 EUR This is cost per one diplomatic and consular mission We are waiting for decision about number of diplomatic and consular mission of Republic of Serbia	Provided IT equipment and enhanced administrative capacities by delivering trainings for staff of Ministry of Foreign Affairs, as well as MoI (Border police)	- Report on delivered trainings - Report on provided equipment - Expert mission report on compliance of technical capacities for implementation of harmonized visa regime with the EU Visa Regulation	
3.1.4	Initiate and conduct diplomatic activities in accordance with International	Ministry of Foreign Affairs – Head of the Visa Policy Department, Ministry of	6 months prior to Serbia's accession to the EU	In line with activity 3.1.2 – the same Working group as for the activity 3.1.2	Government's decisions published (Visa Regime Decree), diplomatic instruments	Official Gazette of the Republic of Serbia	

	Law and practice, toward third countries with which there are bilateral agreements of unilateral decisions on visa exemption, in order to align the Visa Regime with Regulation 539/2001	Interior			exchanged, technical and administrative capacities in place for the implementation of the procedures in accordance with the diplomatic rules and European practice		
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3.2. RECOMMENDATION: 2	OVERALL RESULT	INDICATOR OF IMPACT
Capacities in place, a few months ahead of accession, to receive classified information on the security features of travel documents and visa format, and on their application in practice	Visa security features according to the EU standards	Established capacities to receive confidential information on security characteristics of travel documents and visa formats. Visas in travel documents are issued in conformity with EU practice

No.	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
3.2.1	Provide adequate	Ministry of Interior -Head	6 months prior to Serbia's	BUDGET	Capacities strengthened for	- Expert evaluation Report	

	technical and logistic preparation and provide capacity concerning receipt, a few months ahead of accession, of classified information on the security features of travel documents and visa format and their application in practice	of Border Police Directorate, Ministry of Foreign Affairs, Serbia Institute for Manufacturing Banknotes and Coins	accession to the EU	(regular) 9.936 EUR TAIEX 4.500 EUR	reception of classified information regarding security features of travel documents and visa format, as well as their implementation in practice	on provided capacities for reception of classified information regarding security features of travel documents and visa format and their implementation in practice	
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3.3. RECOMMENDATION: 3	OVERALL RESULT	INDICATOR OF IMPACT
Develop measures to ensure compliance with the Visa Code	Visas are issued according to EU standards, visa legislation fully aligned with the EU Visa Code before the accession to the EU	Ensured conditions for full visa code implementation

No.	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
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				OF FINANCING			
3.3.1	Draft a proposal for the new Law on Foreign Affairs in accordance with EU Acquis	Ministry of Foreign Affairs, Government, National Assembly	December 2015	BUDGET (regular)for the year 2015 16.560 EUR 40.008 EUR for Law on Foreign Affairs TOTAL BUDGET: 56.568 EUR	Law on Foreign Affairs adopted in line with EU standards	Official Gazette of the Republic of Serbia	
3.3.2	Draft a proposal for the new Law on Foreigners in accordance with EU Acquis	Ministry of Interior- Head of Border Police Directorate, Ministry of Foreign Affairs, Government, National Assembly	III quarter of 2016	Twinning project, IPA 2012: Police Reform and migration management (legal migration) 1.000.000 EUR	Law on Foreigners adopted in line with EU standards	Official Gazette of the Republic of Serbia	
3.3.3	Draft a proposal for the Bylaw on Visas.	Ministry of Foreign Affairs – Head of the Visa Policy Department, Ministry of Interior	I quarter of 2017	BUDGET (regular) for the year 2017 3.726EUR 633 EUR	Bylaw on Visas adopted, regulated procedures of receiving, processing requests and	Official Gazette of the Republic of Serbia	

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				<u>TOTAL BUDGET:</u> <u>4.359 EUR</u>	issuing visas		
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3.4. RECOMENDATION: 4	OVERALL RESULT	INDICATOR OF IMPACT
Appropriate measures taken for preparation for the Visa information system and electronic networking with diplomatic and consular representations abroad, including training of consular staff	VIS is developed so as to allow for a harmonized Visa regime and the required networking with EU institutions, and staff is trained to use it Functioning of the newly developed VIS	Visa issuing system operates as a part of unique EU visa information system

No.	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
3.4.1	Conduct an analysis of financial, administrative, legal and procedural measures and necessary infrastructure for the implementation of Visa Information	Ministry of Foreign Affairs – Head of the Visa Policy Department, Ministry of Interior	II quarter of 2016	IPA 2014-Action document: Support to Internal Affairs, the total budget of 1.500.000 EUR Twinning (under Schengen AP) BUDGET (regular)	Analysis is carried out and recommendation for strengthening of administrative capacities and infrastructure are defined	Document Analysis Report of financial, administrative, legal and procedural measures and necessary infrastructure for the implementation of VIS	

	System in order to achieve full alignment with the EU VIS			for the year 2016 74.520 EUR			
3.4.2	Draft a proposal for the Visa Information System Decree (VIS)	Ministry of Foreign Affairs-Head of the Visa Policy Department, Ministry of Interior	IV quarter of 2016	BUDGET (regular) for the year 2016 8.280 EUR	Adopted Visa Information System Decree (VIS)	Official Gazette of the Republic of Serbia	
3.4.3	Provide the necessary equipment and a new software and hardware, which will allow electronic connection between competent authorities (MFA, MI, consulates etc.)	Ministry of Foreign Affairs – Head of the Visa Policy Department, Ministry of Interior	Continuous task up to 6 months prior to Serbia's accession to the EU	IPA 2012 – Police reform and migration management (legal migration) 1.107.500 EUR	VIS established	- Expert Mission Report on provided technical capacities for VIS	
3.4.4	Train consular staff according to VIS requirements	Ministry of Foreign Affairs	Regular task in accordance with the needs	IPA 2012 Twinning 1.000.000 EUR (Further development and implementation mechanism with a comprehensive and consistent monitoring of legal migration in the	Number of trainings delivered, number of trainees, training evaluation	- Report on delivered trainings	

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Comment [A67]: Training to operate the EU VIS will need to be foreseen

				Republic of Serbia)			
				BUDGET (regular(2015-2018)			
				64.800 EUR			

3.5. RECOMENDATION: 5	OVERALL RESULT	INDICATOR OF IMPACT
Measures taken to further limit the number of visas issued at the borders	Prohibit issuing of visas at the borders allowing exceptions as stipulated by the Acquis	A steady decrease of visas issues at the borders with ultimately only those that are in line with the exceptions stipulated in the Acquis

No.	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
3.5.1	Amend the current legislation concerning the issues of visas at the borders in line with Schengen	Ministry of Interior- Head of Border Police Directorate, Ministry of Foreign Affairs	III quarter of 2016	BUDGET (regular) 6.210 EURfor the year 2016	Number of issued visas at the borders, number of received notifications and checks conducted,	Official Gazette of the Republic of Serbia	

	Acquis (Rulebook on issuing visa at border crossing pnts)				delivered training of Border police and Foreign Affairs		
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4.1.EXTERNAL BORDERS AND SCHENGEN

CURRENT STATE OF PLAY:

The Republic of Serbia has the state border with Hungary, Romania, Bulgaria, Croatia, Bosnia and Herzegovina, Montenegro, Former Yugoslav Republic of Macedonia and Albania. Total length of the state border of the Republic of Serbia is 2,351.78 km. Main responsible authority for border control is the Border Police within the Ministry of Interior.

ORGANIZATION AND INFRASTRUCTURE

Border management has pyramidal structure: central, regional and local level. At central level, there is Headquarter of Border Police Directorate as the main managing body, at regional level there are 8 regional centres (one for each bordering country, except for Romania where 2 regional centres are established due to the length of state border). At local level, there are 47 border police stations that are in charge for border surveillance (between two bcp`s) and 40 border police stations in charge for border control with 94 border crossing points in total (land, air, waters).

- Border crossing points have been equipped with basic IT equipment, passport readers, first line control devices (UV lamp, retro check lamp and magnifier) and devices used for contra diversion control (Buster, CO2 detector, hand held metal detector, radiation detection device, endoscope camera)
- Main border crossing points have equipment for second line control (Projectina - docu box)
- For river and lake surveillance border police use 16 patrol boats which are positioned in 13 border police station
- Police stations for border surveillance are equipped with patrol terrain cars, all terrain vehicle (Quads), mobile surveillance systems, tactical aerostat system, hand held termovision camera, IR binoculars, dogs.
- 65% of border crossing points have been linked to the Interpol database (important fact is that 95% of total cross-border traffic goes through these crossing point),
- Border crossing points are equipped with devices for express identity check using fingerprint scan (AFIS)

However, further improvements regarding equipment and training for staff are required.

MAIN THREAT - IRREGULAR MIGRATION

The most significant risk regarding border security at the moment is irregular migration that Serbia is facing from 2009 when transiting secondary irregular migration started. Important pull factor which makes territory of Serbia major transit country in the region is the fact that it has a common border favorite for irregular migrants is external Schengen border (Hungarian border).

At the state border with Hungary, in the period from June 1st, 2014 till December 31st, 2014, in total 2.935 persons were detected during illegal border crossing between two bcp's, from which 1.154 are persons from the territory of AP KiM and 1.781 are foregin nationals (mostly Syrians and Aghans). During last two months of 2014, significant increase of persons from the territory of AP KiM who tried to illegally cross Serbian-Hungarian border was recorded. The same trend continued during January and February 2015 when 1.966 persons from the territory of AP KiM were detected during illegal border crossing.

Increased measures of the Serbian MoI (increased number of joint patrols at Serbian-Hungarian border, intensified investigative work in order to identify and stop organized criminal groups involved in facilitation of irregular migration, additional police forces from other regional centers of Border Police are sent to this part of the border, Gandarmerie forces are also sent to this part of the border, enforced control of accommodation objects in the vicinity of Serbian-Hungarian border, joint use of Hungarian stationary cameras, German police officers are also engaged with their equipment, etc.) gave positive results so that in the period from 1st till 10th of March 2015, at Serbian-Hungarian border, significant decrease of persons from the territory of AP KIM (29 persons) who tried to cross border illegally was recorded.

The main entry point for illegal migrants is still Macedonian-Serbian border, beside Bulgarian border which became increasingly targetted since 2013. The most used exit point is Serbian-Hungarian border, while Croatian and Romanian border are used from time to time.

Serbian police in 2014 pressed 277 criminal charges against 516 persons for committing criminal act according to article 350 of Serbian Criminal Code (Illegal border crossing and human smuggling and trying to smuggle 3.181 persons). 9.014 irregular migrants were detected during illegal border crossing and processed according to Law on State Border Protection. However, 16.500 persons expressed their intention to apply for asylum in the Republic of Serbia, mostly in order to avoid legal responsibility for committing offence of illegal border crossing.

Regarding other kinds of cross border crime, there are detections of narcotics, weapons and ammunition. During 2014, 1.276kg of narcotics (heroin 136kg, cocaine 1.5kg, hashish 1kg, marijuana 1.096kg and extasy tablets 40.6kg) were detected. Also, 405 pieces of arms and 26.124 pieces of ammunition were

Comment [A68]: we have done the correction of statistical data in accordance with the timetable and current issues in preventing irregular migration

Comment [A69]: Please mention memorandum of understanding with hungary

seized.

IBM

Border Police Directorate within the Ministry of Interior is main coordinating authority in the implementation of the Integrated Border Management (IBM) strategy.

The Cooperation Agreement in the field of IBM was signed by the Ministry of Interior (Border Police), Ministry of Finance (Customs), Ministry of Agriculture, Forestry and Water Management (Veterinary and Phyto-Sanitary Inspection) and the Ministry of Infrastructure (Port Authorities) in February, 2009. Previous IBM strategy and the Action Plan for its implementation were approved in the beginning of 2006.

In consultation with EU experts a new IBM strategy was drafted and adopted by government in November, 2012, however, the Action Plan for its implementation hasn't been approved yet. Mechanism for implementation of the IBM strategy and practical coordination envisages: Coordination body (members are Ministers of IBM relevant authorities), Operational Working Group for IBM coordination on the central level (members are the heads of IBM related border services), working groups at regional level and working groups at local level. In accordance with the IBM strategy regular meetings of representatives from relevant IBM authorities on the local, regional and central level take place.

The IBM strategy still has not been completely harmonized with the 5 – dimensions EU IBM concept as of 2006, having in mind that Serbian IBM strategy is mostly based on Western Balkans IBM guidelines. Therefore, drafting and adoption of new IBM strategy has been planned, together with the Action Plan, which shall be in line with the 5 – dimensions EU IBM concept as of 2006.

RISK ANALYSIS

The risk analysis in border management is applied within existing organizational units at the central, regional and local level. System of collecting and processing of data related to illegal migration and the different types of cross-border crime is done in accordance with FRONTEX guidelines. Internal patterns and early warning system is in place.

Starting from 2009, the statistical data are posted on the web – based platform of the European Commission on a monthly basis (<https://circabc.europa.eu>) within the Network for the Risk Analysis of the Western Balkans and Frontex (FRAN – WBRAN). Data included serve as a source for preparation of risk analysis products and as a base for decision making in borders management.

The Risk Analysis Unit at the central level has been established in January 2015 (full functionality will need to be established), as well as to implement

Comment [A70]: By when?

Comment [A71]: Completed the selection of personnel, police officers are formally assigned to perform these tasks and Unit is in operation.

CIRAM v2.0 model at national level. There is a need for assessment in order to identify steps needed in order to join EUROSUR network in future.

LEGISLATION

The Law on the State Border Protection of is the basic legal act for border control of the state borders of the Republic of Serbia, which has not been completely harmonized with the EU standards so far, but corresponds to the progress achieved and situation at the state borders.

Provisions of the Law on the State Border Protection and Law on Foreigners are harmonized with the EU provisions related to conditions of entry, stamping of the travel documents, facilitating of entry (for humanitarian reasons, national interests or international obligations), issuing visas at the borders, relaxation of border checks, thorough border checks, border surveillance by mobile and stationary units, special rules for specific types of traffic and border crossing for certain categories of persons, refusals of entry at the border, possibility for opening the common border crossings, duration of stay (90 out of 180 days), obligation of carriers to communicate passenger data.

During the visa liberalization procedure a set of legal acts were adopted in the field of border security in order to achieve provisional harmonization with the EU standards:

- The Law on Protection of the State Border,
- The Law on Foreigners,
- Travel Documents Act,
- The Law on Managing Migrations,
- The Asylum Act.

The 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 are not implemented yet. ~~Croatia unilaterally suspended implementation of the Agreement on Local Border Traffic after joining the EU. Negotiation process with Croatia regarding the new Agreement on Local Border Traffic is in progress. The bilateral Working Group was established in 2013 and two join meetings already took place in 2014.~~

~~The Readmission Agreement with the EU-The Readmission Agreement with the EU is signed as well as implementing Protocols with the following Member States:~~

~~and implementing Protocols with Member States are signed.~~

Comment [A72]: BETTER DELETE THIS – according to Croatia the existing Agreement is not in compliance with the Regulation (EC) No. 1931/2006 of the European Parliament and of the Council dated 20 December 2006, which lays down rules on local border traffic at the external land borders of the Member States. As the EU regulations in the Member States apply directly, this Regulation has ruled out the application of the said Agreement as of the date of the accession of Croatia to the European Union. Therefore, it is not a matter of a unilateral act (i.e. arbitrary suspension, non-appliance), quite the opposite. The Republic of Croatia is obliged to apply the Regulation. In order to regulate this issue, the two countries are currently in the process of negotiating a new Agreement on Local Border Traffic, which should be harmonized with the *acquis communautaire*.

Comment [A73R72]: Comment accepted and the text deleted

Comment [A74]: Comment accepted

Comment [A75]: Please enumerate the Member States.

Comment [A76]: Comment accepted

Current legal framework forms a solid base and allows continue further improvements towards compliancy with EU standards. Taking into account that the harmonisation of legal framework foresees gradual and comprehensive steps, there is a need for further broader approach in development of legal framework compatible with the Schengen *acquis*.

Comment [A77]: Comment accepted

Recommendations of the Schengen Catalogue (2009) regarding organization and competence of single body responsible for border control and coordination at central, regional and local levels have been integrated in the relevant legislation and organizational chart of the Border Police Directorate. Also the recommendations concerning the equipment that should be used at the first line have been implemented. Due to various reasons recommendations regarding separation of budget for the Border Police have not been implemented yet.

INTERNATIONAL COOPERATION

Present international cooperation is conducted based on the Police Cooperation Convention and several bilateral/ multilateral agreements with neighbouring countries.

The Republic of Serbia has signed several Agreements on establishing Joint Patrols. There are Joint Patrols taking place alongside the common borders with Montenegro, Bulgaria, Former Yugoslav Republic of Macedonia, Hungary and Bosnia and Herzegovina. It is planned to form Joint Patrols with Romania and Croatia (Agreement with Croatia has been signed but not implemented yet). There are joint border checks on the border with the Former Yugoslav Republic of Macedonia and Hungary, and the Common Contact Centres was established with Hungary, Croatia, Bulgaria, the Former Yugoslav Republic of Macedonia and the Common Trilateral Centre with Montenegro and Bosnia and Herzegovina. Opening of the Common Contact Centre with Romania is planned. Based on the Protocols concluded with Former Yugoslav Republic of Macedonia, Bosnia and Herzegovina and Montenegro system for holding regular operational meetings on the local, regional and central levels is established.

Border crossing point Bački Vinogradi - Ashothalom at Serbian - Hungarian border was opened in 2013, where joint border checks are performed. Thus the Border Police shows a high degree of harmonization in the operations and procedures with the EU standards. Opening of other joint border crossing point Horgoš - Reske is planned (placed at Hungarian territory) as soon as all the necessary infrastructural and technical conditions are met.

Comment [A78]: Border crossing point will be open on 31st July 2015

With regard to the illegal border traffic through the alternative routes at the border with Bosnia and Herzegovina a joint Working Group was established. Main tasks of Working Group are to determine and undertake the set of measures in order to reduce traffic through the alternative routes at the border by physical blocking such routes. Terrain monitoring was performed for determining the locations suitable for illegal crossings and Joint Elaborate drafted and adopted by Serbia and Bosnia and Herzegovina.

The same approach to tackle issue of illegal border crossing through alternative routes is planned to be launched with Montenegro. [Monitoring visit to the](#)

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state border of the Republic of Serbia and Montenegro, with the purpose to review situation in the field is finished and routes suitable for illegal crossing were detected.

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However, physical blocking of the alternative routes at the border is considered as only one of measures to be implemented. There is a need for more coherent approach which includes a set of measures in order to reduce illegal traffic across the border.

Comment [A79]: Such as...?

Serbia is and will remain to be 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. Serbia will fully implement the IBM agreement.

Comment [A80]: In accordance with risk analysis a set of measures is conducted:
1. additional police forces from other regional centers (which are not in threat of irregular migrations) of Border Police are sent on serbian-macedonian and serbian-hungarian state border;
2. Gandarmerie forces are also sent to this part of the border;
3. increased number of joint patrols at Serbian state border with Hungaria, Bulgaria and FYR Macedonia;
4. intensified data exchange via Common Contact Centre Kalotina, Reske and Tabanovce
5. German, Hungary and Austrian police officers are also engaged with their equipment on serbian-macedonian state border and serbian-hungarian state border
6. intensified investigative work in order to identify and stop organized criminal groups involved in facilitation of irregular migration

Serbia is going to apply the same level of police control and security at the administrative boundary line crossing points between Kosovo and Serbia as achieved at other crossing points and in line with EU standards in this area, with strict adherence to the requirements of status neutrality, and those standards are going to be implemented through IBM agreement.

Check points on administrative line Crossing points between Kosovo and Serbia are not going to be manned with border police staff, but with regular police who act in line with Cooperation Agreement in the field of IBM.

The Border Police implements the measures from the National Strategy for Fight against Corruption and the relevant Action Plan.

In order to achieve progress in anticorruption activities the rotations of the Border Police officials shifts performing border checks and border surveillance is implemented. The rotation of superiors is not performed yet and that will be a subject for implementation during merging (reorganisation) of units responsible for border checks and border surveillance in the near future.

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Provisions of the Law on Civil Servants and the Police Act stipulate the additional engagement outside the professional duties of border police officials notably, activities not allowed to do (i.a. the establishment of companies, private service, enterprises).

At all border crossing points the “four eyes” principle is implemented. At vast majority of the border crossing points there is real time video surveillance. The project financed by EU fund IPA 2011 (stationary and mobile video surveillance), which was completed in 2014., provided improvement of surveillance

system at 22 border crossing points and 10 mobile surveillance systems).

The internal controls activities of the Border Police units are performed on regular basis using unannounced procedures at all levels.

In order to suppress corruption in the Border Police further activities of the Border Police and Sector of Internal Control of the Ministry of Interior are following:

- Improvement of the system of vetting of applicants for admission for service in the Border Police;
- Incorporating diversity of trainings in the area of ethics and professional integrity topics;
- Improvement of the system of informing all employees about the most important anticorruption events on a daily basis;
- Conducting assessment of procedures and methodologies with aim to identify gaps and critical points that facilitate corruption, in order to initiate amendments in the legislation, internal instructions and practical actions;
- Intensifying random preventive controls of the Border Police officials.

In order to achieve gaps already identified it is planned to compile the Integrity Plan for Border Police.

~~Serbia is and will remain to be 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. Serbia will fully implement the IBM agreement.~~

~~Serbia is going to apply the same level of police control and security at the administrative boundary line between Kosovo and Serbia as achieved at other crossing points and in line with EU standards in this area, with strict adherence to the requirements of status neutrality, and those standards are going to be implemented through IBM agreement.~~

~~Check points on administrative line are not going to be manned with border police staff, but with regular police who act in line with Cooperation Agreement in the field of IBM.~~

Comment [A81]: Comment accepted

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4.1. RECOMMENDATION: 1	OVERALL RESULT	INDICATOR OF IMPACT
<p>Adopt a Schengen Action Plan including the sequencing 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:</p> <ul style="list-style-type: none"> - 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 fulfill 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 <p>Analysis Model developed by Frontex;</p>	<p>Compliance of legal, administrative and institutional framework with the EU standards and Schengen <i>acquis</i></p> <p>Compliance of capacities of all relevant institutions with the EU standards and Schengen <i>acquis</i></p>	<p>Improved legal and administrative, and institutional framework</p> <p>Compliant technical, infrastructural and human resources capacities</p> <p>Improved level of trainings, efficiency and employees' work quality</p>

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/ SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
4.1.1.	Conduct an assessment of legal framework in order to assess the compliance with the EU standards in the area of borders management	<p>Ministry of Interior, General Directorate, Border Police Directorate, Head of Directorate</p> <p>MoF-Customs Administration</p> <p>MoA – Veterinary and Phyto-sanitary Inspection</p> <p>All relevant institutions involved in IBM</p>	H-IV quarter 2016	<p>IPA 2014 (Schengen Action Plan) – Action document: Support to the Internal affairs- total budget 1.500.000 for Twinning</p> <p>This activity is tackled by support on internal affairs</p> <p>TAIEX/peer reviews 2.250 EUR – for the year 2016</p> <p>BUDGET (regular) 40.572 EUR for the year 2016</p> <p>This amount includes:</p> <p>Costs of workinggroup responsible for preparation of reports and making the</p>	<p>Approved assessment report indicating actions to be implemented before the EU accession (1st stage actions) and before Schengen area accession (2nd stage actions)</p> <p>Approved recommendations for the implementation, <i>inter alia</i> provisions on fundamental rights and non-discrimination</p>	<p>Report of TAIEX experts with the state analysis</p> <p>Report on conducting project IPA 2014</p> <p>Report of TAIEX experts</p>	

				<p>necessary assessments. Also, preparation of reports about TAIEX expert visits and other relevant and necessary reports and cooperation with TAIEX experts</p> <p>We have 3 working groups: 10 people-40 days, 5 people - 15 days and 3 people - 5 days</p>			
4.1.2.	Implementation of recommendations based on the results of the legal framework assessment	<p>Ministry of Interior, General Police Directorate, Border Police Directorate, Head of Directorate</p> <p>MoF-Customs Administration</p> <p>MoA – Veterinary and Phyto-sanitary Inspection</p>	II quarter 2017	<p>BUDGET (regular) for the year 2017</p> <p>64.848 EUR</p>	Adopted relevant legal acts or amendments	Official Gazette of RS	

		All relevant institutions involved in IBM					
4.1.3.	Assessment of technical, infrastructural and human resources requirements and associated costs necessary to achieve the proper level of conformity with the EU standards and Schengen <i>acquis</i> before the EU accession	Ministry of Interior, General Police Directorate, Border Police Directorate, Head of Directorate MoI, Sector of Finance All relevant institutions involved in IBM	II quarter 2016	in line with activity 4.1.1.	Adopted assessment report (s) Approved recommendations for the implementation	Report with Recommendations Assessment of technical, infrastructural and human resources requirements and associated costs necessary to achieve the proper level of conformity with the EU standards and Schengen <i>acquis</i> before the EU accession	
4.1.4.	Develop and adopt the national Action Plan for Schengen area accession	Ministry of Interior, General Police Directorate, Border Police Directorate, Head of Directorate MoI, Criminal Police Directorate, Directorate for	II quarter 2018	IPA 2014 (Schengen Action Plan) – Action document: Support to the Internal affairs- total budget 1.500.000 for Twinning - connection 1.000.000 EUR, activity 4.1.1. BUDGET (regular)2015-2018	Adopted Action Plan for Schengen area accession	Official Gazette of RS	

		International Operational Police cooperation, IT Sector Ministry of Foreign Affairs All relevant institutions involved in IBM		83.433 EUR Details on the exact costing of the Schengen Action plan will be part of that plan			
4.1.5.	Semi-annual reporting on the implementation of the Action Plan for Schengen area accession	MoI	Continuously from IV quarter 2018	BUDGET (regular) 2.070 EUR per year	Semi-annual report	Report- six months on conducted activities defined in the Action plan for access to Schengen area	
4.1.6.	Develop and implement basic Training Curriculum for Border Police harmonized with FRONTEX Common Core Curriculum (CCC)	Ministry of Interior, General Police Directorate, Border Police Directorate, Head of Directorate MoI, Directorate for education and	December 2015 and continuously	BUDGET (regular) (2015 – 2018) 33.120 EUR	Adopted training Curriculum for Border Police harmonized with FRONTEX Common Core Curriculum Number of border police officials trained	Document Training Curriculum for Border Police harmonized with FRONTEX Common Core Report on delivered trainings defined in CCC	

		professional development			based on CCC		
4.1.7.	Deliver training for Border Police officials harmonized with FRONTEX Common Core Curriculum (CCC)	<i>Ministry of Interior, General Police Directorate, Border Police Directorate, Head of Directorate</i> MoI, Directorate for education and professional development	Continuously since 2016	It is planned to train 400 police officers in period 2015-2018 Total amount per year 300.000 EUR for 100 officers TOTAL BUDGET 1.200.000 EUR	Number of border police officials trained for proper implementation of new legislation Number of border police officials trained in the field of risk analysis Number of border police officials trained for using the new equipment and data bases	Report on delivered trainings for proper implementation of new legislation Report on delivered trainings in the field of risk analysis Report on delivered trainings for using the new equipment and data bases	
4.1.8.	Continue equipping of the Border Police based on the results of the activity No. 4.1.3.	<i>Ministry of Interior, General Police Directorate, Border Police Directorate, Head of Directorate</i> in cooperation	Continuously since 2018	We are waiting for analysis from activity 4.1.3. After that, we will be able to continue this activity Proposed for IPA 2016	Strengthened the Border Police capacities	Report on conducted activities IPA 2014 and 2015 projects by which BPD shall be equipped according to needs analysis	

		with MoI, Sector of Finance and Sector of IT MoF, Customs Administration					
4.1.9	Strengthening of the cooperation with the FRONTEX Agency	Ministry of Interior, General Police Directorate, Border Police Directorate, Head of Directorate	Continuously from 2015	In accordance with the FRONTEX policy and position	Effective usage of FRONTEX risk analysis products Reinforced involvement into joint actions (home and host) Created list of experts compliant to EBGT profiles requirements Created list of technical equipment available for the joint actions	Report on conducted activities according to FRONTEX risk analysis Report on participation of BPD officers in joint actions (home and host) List of experts compliant to EBGT profiles requirement List of technical equipment available for the joint actions	
4.1.10	Evaluation of	Ministry of	IV quarter	Proposed IPA 2017	Evaluation report	Report on	

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	necessary steps toward joining the EUROSUR network	<i>Interior, General Police Directorate, Border Police Directorate, Head of Directorate</i>	2019	Twinning Light 500.000 EUR Link with activity 2.1.6.1.	(administrative and technical issues) Leading authority identified (future NCC manager)	conducted activities according to IPA by which the evaluation shall be conducted along with evaluation document Decision on responsibilities deposited in the MOI Archive	
4.1.11	Development of national risk analysis model in compliance with CIRAM v2.0	<i>Ministry of Interior, General Police Directorate, Border Police Directorate, Head of Directorate</i>	December 2015	BUDGET (regular)for the year2015 10.420 EUR	Adopted national risk analysis model Adopted institutional instruction for the implementation of the national risk analysis model Performed revision of tasks and responsibilities at the national, regional and local levels of the	National risk analysis model deposited in the MOI Archive Instruction for the implementation of the national risk analysis model deposited in the MOI Archive	

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					units and officials responsible for the risk analysis		
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4.2. RECOMMENDATION: 2	OVERALL RESULT	INDICATOR OF IMPACT
Adopt a multi-annual Integrated Border Management Strategy in line with the 2006 EU concept on Integrated Border Management, including measures to improve inter-agency cooperation including the exchange of information at the borders through joint operational work	Harmonization with the EU Integrated Border Management concept from 2006	Mechanisms for more efficient and effective policy in the area of integrated border management improved; Interagency cooperation and information exchange among border police services improved;

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/ SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
4.2.1.	Evaluation of the implementation of the existing Integrated Border Management Strategy	<i>Ministry of Interior, General Police Directorate, Border Police Directorate, – Head of Directorate</i>	IV quarter 2015	BUDGET (regular)for the year2015 7.450 EUR TAIEX 4.500 EUR for the	Evaluation report of the existing Integrated Border Management Strategy and recommendation for new multi-annual Integrated Border	TAIEX report on conducted evaluation and recommendation for new multi-annual Integrated Border	

		MoF-Customs Administration MoA – Veterinary and Phyto-sanitary Inspection		year 2015	Management Strategy	Management Strategy	
4.2.2.	Adopt a new multi-annual Integrated Border Management Strategy and Action Plan for implementation of new IBM Strategy	Ministry of Interior, General Police Directorate, Border Police Directorate, – Head of Directorate MoF-Customs Administration MoA – Veterinary and Phyto-sanitary Inspection The Government of Republic of Serbia	IV quarter 2016	BUDGET (regular) for the year 2016 4.140EUR	Adopted new multi-annual Integrated Border Management Strategy Adopted Action Plan for implementation of the IBM Strategy Monitoring of implementation Annual Reports on implementation of the IBM Strategy and Action Plan	Official Gazette of RS	

4.3. RECOMMENDATION: 3	OVERALL RESULT	INDICATOR OF IMPACT
Propose measures to improve the protection of external borders through improved operational cooperation with neighboring countries and suggest steps to effectively prevent cross-border traffic through alternative roads	The bilateral and multilateral operational cooperation is strengthened achieving proper level of mutual cross-border cooperation and performing border control in compliance with EU standards	<p>Signed new international agreements (protocols) and revised existing international agreements (protocols)</p> <p>Improved operational cooperation at national, regional and local levels</p> <p><u>Local border traffic regulated and arrangements applied in line with EU requirements and traffic across alternative roads not in line with EU requirements</u> Measures implemented reduced the cross-border traffic through alternative roads prohibited</p>

Comment [A82]: A measure regarding posting a police officer in a Contact Centre in Trebinje is missing.

Comment [A83]: Until the adoption of the Act on systematization which will provide positions regarding international cooperation, exchange of information with Trilateral center will be carried out by the Border Police headquarters.

Comment [A84]: Comments can not be accepted. Activity refers to blocking the routes suitable for illegal crossing of the state border. It is not related to the regular functioning of cross-border traffic.

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/ SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
4.3.1.	Establishing of mechanism for the Joint patrolling at the Serbian-Romanian border using the experience from other	<i>Ministry of Interior, General Police Directorate, Border Police Directorate, – Head of Directorate</i>	I quarter 2016 and continuously	BUDGET (regular) (2016-2018) 17.193 EUR	Established bilateral drafting (negotiating) working group Produced and signed Join patrols implementation Protocol	Decision on WG establishing deposited in the MOI Archive Joint patrols implementation Protocol	

	established joint patrols				Conducting of Joint patrols	deposited in the MOI Archive Report on conducting joint patrols	
4.3.2.	Establish the Common Contact Center with Romania	Ministry of Interior, <i>General Police Directorate, Border Police Directorate, – Head of Directorate</i> MoF-Customs Administration MoA – Veterinary and Phyto-sanitary Inspection The Government of Republic of Serbia	I quarter 2016 and continuously	BUDGET (regular) Utilities – 8.500 EUR per year	Implementation of existing Protocol Practical arrangements agreed and fulfilled The Common Contact Center becomes operational	Protocol on Common Contact Center with Romania deposited in the MOI Archive Work report on Common Contact Center with Romania	implemented
4.3.3.	Establish the Joint patrols with Croatia	Ministry of Interior, <i>General Police Directorate, Border Police Directorate, –</i>	I quarter 2016 and continuously	BUDGET (regular) Utilities – 8.500 EUR per year	Implementation of existing Protocol Practical arrangements agreed and fulfilled	Protocol on the Joint patrols with Croatia deposited in the MOI Archive Report on conducting	

Comment [A85]: What about joint patrols with BiH and MNE?

Comment [A86]: Joint patrols with BiH and MNE carried out. Pointed out in the introduction part (international cooperation)

		<i>Head of Directorate</i>			Conducting of Joint patrols	joint patrols with Croatia	
4.3.4.	Implement measures in order to introduce local cross-border traffic with Croatia	<i>Ministry of Interior, General Police Directorate, Border Police Directorate, – Head of Directorate</i>	III quarter 2016	BUDGET (regular) for the year 2016 9.936 EUR Additional cost will be presented after signing the agreement with Croatia	Practical arrangements agreed and fulfilled- Local cross-border traffic enabled	Report on taken measures for local cross – border traffic with Croatia	
		<i>Directorate MoF-Customs Administration, MoA – Veterinary and Phyto-sanitary Inspection, The Government of Republic of Serbia</i>					
4.3.5.	Performing of more intensive cooperation and information exchange with neighboring countries in the field of border	<i>Ministry of Interior, General Police Directorate, Border Police Directorate, – Head of Directorate</i>	II quarter 2016 and continuously	BUDGET (regular) 8.280 EUR for cooperation with one neighboring country on yearly basis. It includes: costs of businesstravel,	Established or renewed channels for operational information exchange at all levels Intensified mutual contacts between	Report on contacts, new channels of exchange and data exchange in the field of risk analysis products, discovered false/ falsified	

Comment [A87]: Any plans for similar agreements with other neighbours ?

Comment [A88]: There is no agreement on local border traffic with any of the neighboring countries, and with Croatian negotiations begin

	security (risk analysis products, discovered false/ falsified documents descriptions, cross-border crime issues, THB)			meetings, exchange of information and other important activities	regional and local officials at managerial level (chief of units, shift leaders) Information exchanged	documents descriptions, cross-border crime issues, THB)	
4.3.6.	Implementation of measures for blocking the route suitable for illegal crossing of the state border with Bosnia and Herzegovina	Ministry of Interior, General Police Directorate, Border Police Directorate, – Head of Directorate MoI- Directorate of Common Affairs	December 2015	BUDGET (regular) for the year 2015 14.904 EUR	Route suitable for illegal crossing of the state border with Bosnia and Herzegovina blocked Monitoring	Report on taken measures for blocking the route suitable for illegal crossing of the state border with Bosnia and Herzegovina	
4.3.7.	Monitoring visit to the state border of the Republic of Serbia and Montenegro with the purpose to	Ministry of Interior, General Police Directorate, Border Police Directorate, – Head of	June 2015	BUDGET (regular) for the year 2015 2.848 EUR Total budget will be presented	Bilateral working group established Final report with recommendations	Decision on WG establishment deposited in MOI Archive Report on the	

Comment [A90]: Please clarify. This is rather vague (how/what/) – all neighbouring countries ?

Comment [A89]: Through existing mechanism (joint contact centers, community meetings that are held at the central, regional and local level, to intensify cooperation in accordance with risk analysis) described in the introduction part

Comment [A91]: Activity is finished and will be describe in interduction part

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	review situation in the field to detected routes suitable_for illegal_crossing	<i>Directorate</i> MoI- Directorate of Common Affairs		after assessment of Directorate of Common Affairs		situation in the field with suggestions for measures	
4.3.8.	Draft joint Elaborate (Serbia and Montenegro) which will define places and manner of blocking routes suitable for illegal_crossing of the state border_with Montenegro	Ministry of Interior, <i>General Police Directorate, Border Police Directorate, – Head of Directorate</i> MoI- Directorate of Common Affairs	September 2015	BUDGET (regular)for the year 2015 28.980 EUR	Joint Elaborate drafted and adopted by Serbia and Montenegro	Elaborate between Serbia and Montenegro deposited in MOI Archive	
4.3.9.	Implementation of measures for blocking the routes suitable_for illegal_crossing of the state border_with Montenegro	Ministry of Interior, <i>General Police Directorate, Border Police Directorate, – Head of Directorate</i> MoI- Directorate of Common Affairs	I quarter 2016	BUDGET (regular)for the year 2016 14.904 EUR	Routes_suitable_for illegal crossing_of the state border_with Montenegro blocked	Report on taken measures for blocking the routes_suitable_for illegal_crossing of the state border with Montenegro	

		MoI- Directorate of Common Affairs					
4.3.10.	Implementation of relevant measures:	Ministry of Interior, General Police	I quarter 2016	BUDGET (regular) per year	Number of illegal border crossings through alternative roads gradually decreases	Report on taken measures with statistics	
	1. Intensified usage of human resources (joint regular patrolling);	<i>Directorate, Border Police Directorate, – Head of Directorate</i>	and continuously	4.140 EUR Costs of 4.140 EUR include working group in charge for preparation of reports about of implementation of all relevant measures and statistics reports			
	2. Equipping with appropriate technical surveillance means (video surveillance, sensor systems);			Other costs and total budget will be presented after assessment of Directorate of Common Affairs			
	3. Providing information to local population in transparent way (publicity), using social						

Comment [A92]: Such measures would also be welcome in the case of BiH

Comment [A93]: Comment accepted. Displayed as an activity under the number 4.3.7.

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	media and information signposting at respective areas; 4. Close cooperation with local municipalities.						
4.4. RECOMMENDATION: 4		OVERALL RESULT			INDICATOR OF IMPACT		
Outline a comprehensive set of measures to improve the fight against corruption at the borders, covering all agencies active at the border		Comprehensive set of measures developed and effectively implemented			<p>Increased level of efficiency in the implementation of measures for improvement of the fight against corruption at the borders</p> <p>Raised intolerance with regard to the conflict of interests.</p> <p>Increased quality of anti-corruption monitoring</p> <p>Decrease in the number of corruption complaints</p>		

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/ SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
4.4.1.	Risk assessment of corruptive behavior risk of	<i>Ministry of Interior, General Police</i>	September	BUDGET (regular) for the year 2015	Established working group within each	Decision on establishing inter-departmental	

	employees of relevant institutions involved in IBM	<p><i>Directorate, Border Police Directorate, – Head of Directorate</i></p> <p>MoI-Sector for internal control</p> <p>MoF-Customs Internal Control</p> <p>MoA – Veterinary and Phyto-sanitary Inspection</p> <p>Ministry of Justice</p>	2015	2.484 EUR	<p>relevant institution involved in IBM</p> <p>Approved separate assessment reports by each relevant institution involved in IBM</p> <p>Approved recommendations for implementation</p>	<p>working group deposited in the MOI Archive</p> <p>Reports with recommendations by each relevant institution involved in IBM</p>	
4.4.2.	(A1) Revise Action plan of the National Anticorruption Strategy by the Ministry of Interior based on the Border Police Corruption Risk Assessment by the end of second quarter of 2016.	<p>Ministry of Interior, General Police Directorate, Border Police Directorate, – Head of Directorate</p> <p>MoI-Sector for internal control</p> <p>MoF-Customs</p>	II quarter 2016	<p>BUDGET (regular)for the year 2016</p> <p>8.280 EUR</p>	<p>Consultation with National Anti-Corruption Agency</p> <p>Improvements of internal controls system of relevant institutions involved in IBM</p>	<p>Reports from consultatives meetings of relevant institutions involved in IBM with National Anti-Corruption Agency</p>	

	<p>(A2) Adopt Action Plan of the National Anticorruption Strategy by the Serbian Government through (1) introducing Integrity Test of the Border Police, (2) strengthening integrity of the corruption high-risk border police officers, (3) monitoring the implementation of Police Code of Ethics by the end of second quarter of 2016.</p> <p>(A3) Develop Preventive Anticorruption Plan for the Border Police, Custom Service, Veterinary Directorate and Directorate of</p>	<p>Internal Control</p> <p>MoA – Veterinary and Phyto-sanitary Inspection</p> <p>Ministry of Justice</p>				<p>Report about activities on strengthening integrity of border police officers working on positions of high-risk</p> <p>Report on monitoring of implementation of the Police Code of Ethics and</p>	
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	Plant Protection, including monitoring and evaluation mechanism based on the Corruption Risk Assessment by the end of fourth quarter of 2016.					sanctions taken	
4.4.3.	Develop a Joint measures plan to prevent corruption of employees of all relevant institutions involved in IBM, including mechanism for monitoring the implementation of the plan	<i>Ministry of Interior, General Police Directorate, Border Police Directorate, – Head of Directorate</i> MoI-Sector for internal control MoF-Customs Internal Control MoA – Veterinary and Phyto-sanitary Inspection	IV quarter 2017	BUDGET (regular)for the year (2016-2017) 2.848 EUR	Adopted Joint planto prevent corruption of employees of all relevant institutions involved in IBM,including mechanismfor monitoringthe implementationof the plan	Joint planto prevent corruption of employees of all relevant institutions involved in IBM,including mechanismfor monitoringthe implementationof the plan deposited in the MOI Archive	
4.4.4.	Based on the	<i>Ministry of</i>	2018 From	BUDGET	Adopted training	Training program	

Comment [A94]: Please clarify. Unclear how this relates to A3 under point 442 ?

Comment [A95]: (A3) is associated with 4.4.3. First go (A3), because it is functional preceded 4.4.3. Only after review of the situation and the risk analysis carried out the activity number 4.4.3

Comment [A97]: Seems late and again unclear how it relates to action 4.4.5. Unless very different from other actions in this section, propose to delete 444 and 445

Comment [A98]: Comment partially accepted and both activities merged into one. Both activities can not be deleted because we believe that training must be conducted to identify of all forms of corruptive behavior

	needs assessment, create <u>and deliver</u> a joint training program for staffs' training of relevant institutions involved in IBM, in the field of suppression of all forms of corruptive behavior	<i>Interior, General Police Directorate, – Border Police Directorate, – Head of Directorate</i> MoI-Sector for internal control MoF-Customs Internal Control MoA – Veterinary and Phyto-sanitary Inspection	2018 continuously	(regular)for the year 2018 4.712 EUR 6.624 EUR	program based on principle TRAIN THE TRAINERS	based on principle TRAIN THE TRAINERS deposited in the MOI Archive	
4.4.5.	Deliver <u>joint</u> trainings in the field of suppression of all forms of corruptive behavior	<i>Ministry of Interior, General Police Directorate, – Border Police Directorate, – Head of Directorate</i> MoI-Sector for internal control MoF-Customs	From 2016 continuously	BUDGET (regular)for the year 2016 6.624 EUR	Joint trainings delivered Evaluation of delivered trainings conducted Number of officials trained	Report on statistic data on delivering joint trainings Report on evaluation of delivered trainings	

Comment [A96]: Planned activities in line with a comment

Comment [A99]: Due to the merger activities 4.4.4 and 4.4.5, are planned funds in the amount of € 4,712

Comment [A100]: Comment accepted , activity merged and the text deleted

		Internal Control MoA – Veterinary and Phyto-sanitary Inspection					
4.4.6.	Sign Memorandum of understanding and create joint investigative teams between police, prosecutors and customs in order to fight against corruption on the border	Ministry of Interior (Internal Affairs Sector, Criminal Police Directorate, Border Police), Customs Office and Republic Prosecutor's Office	IV quarter 2016	Budget of the Republic of Serbia TAIEX ICITAP Office, USA Embassy BUDGET (regular) for the year 2016 4.140 EUR We are not able to calculate other costs at this moment	Created joint investigative teams Number of conducting investigations of JIT	Memorandum of understanding, deposited in MOI Archive Decision on establishing investigative teams, deposited in the MOI Archive Report with the statistical data on conducted investigations of JIT	
4.4.7.	(A1) Production of Border Police Integrity Plan in cooperation with the National Anti-Corruption Agency and based on their	<i>Ministry of Interior, General Police Directorate, Border Police Directorate, – Head of</i>	December 2015 and continuously	BUDGET (regular) (2015-2018) 223.228 EUR	Adopted new Biannual Border Police Integrity Plan, including reporting mechanism on implemented	Biannual Border Police Integrity Plan, including reporting mechanism on implemented activities deposited in the	

	<p>methodology until December 2015, including monitoring and evaluation mechanism.</p> <p>(A2) Report on implementation of Border Police Integrity Plan by the Border Police Directorate to the Internal Affairs Sector, and in addition to National Anti-Corruption Agency from December 2016 and continuously</p>	<i>Directorate</i>			<p>activities</p> <p>Annual report on implementation of the Border Police Integrity Plan</p>	<p>MOI Archive</p> <p>Annual report on implementation of the Border Police Integrity Plan deposited in the MOI Archive</p>	
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5. JUDICIAL COOPERATION IN CIVIL, COMMERCIAL AND CRIMINAL MATTERS

CURRENT STATE OF PLAY:

Judicial cooperation in civil and commercial matters

The legal framework on judicial cooperation in civil and commercial matters in the Republic of Serbia consists primarily of national legislation such as Law on Resolution of Conflict of Laws with Regulations of Other Countries (Private International Law Act) and procedural laws: the Law on the Organisation of Courts, Law on Civil Procedure, Law on Enforcement and Security, Law on Non-Contentious Procedure, Court Rules of Procedure. Apart from that, the Republic of Serbia is bound by 25 multilateral treaties in this area as well as 32 bilateral treaties with 24 countries, of which 14 are EU member states.

Judicial cooperation in civil and commercial matters is also addressed in national strategic documents, such as the National Judicial Reform Strategy (2013-2018), the Action Plan for the implementation of the Strategy and the National Programme for Adoption of the *Acquis* (First Revision of the document for period 2014 – 2018).

The existing legal framework provides a basis for good judicial cooperation in this area. However, in order to fully comply with EU standards and harmonise with the *acquis*, it is necessary to adopt a necessary amendments to certain laws, in line with impact assessment analysis. In addition, the Republic of Serbia needs to ratify the Hague Convention on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children (1996). Its ratification is expected in ~~September~~June 2015.

In the near future, the Republic of Serbia is planning to enhance ~~mutual legal assistance~~ judicial cooperation in civil and commercial on bilateral basis and conclude treaties on ~~mutual legal assistance~~ judicial cooperation in civil and commercial matters with United Arab Emirates and Kazakhstan.

The institutional framework for judicial cooperation in civil and commercial matters consists of courts, Ministries of Justice, Labour, Employment, Veteran and Social Policy (family matters) and Ministry of Finance (recovery of maintenance). Basic and commercial courts, as well as the Administrative court are competent for providing ~~mutual legal assistance~~ judicial cooperation in civil and commercial matters. The Ministry of Justice – the Department for International Legal Assistance is central authority of communication for most international treaties in this area.

Considering the large number of requests for legal assistance in civil and commercial matters (9.379 in 2014), the current administrative capacities are insufficient for quality and a timely execution of requests. Therefore, it is necessary to increase the number of staff dealing with such requests in the Ministry of Justice and especially in the courts (bearing in mind that the future will bring direct court to court communication). This matter will also be

Comment [A101]: Please ensure consistency/cross reference with chapter 23 also knowing thath CH 23 is still being worked on.

Also, please ensure consistent language:
-using same terminology (in the text there is sometimes "international", sometimes "judicial", sometimes "international judicial" cooperation),
-using correct terminology: MLA terminology is used in the text for civil matters, while it should be only for criminal (unless in the SB system this is the case, MLA is used also for civil matters)

addressed in an impact assessment analysis which is foreseen in the activities. It is to be noted however that there is a considerable language barrier with countries outside the region, which can not be tackled immediately,

Furthermore, judges and court staff are not sufficiently familiar with EU legislation on judicial cooperation in civil and commercial matters. For that reason, it is necessary to develop a consistent and effective training program. At this moment the Judicial academy provides training for judges based on curricula for judicial cooperation in civil, commercial and criminal matters (prepared in cooperation with Asser Institute in 2012). However, with regard to the process of harmonization with EU legislation and a number of significant novelties which will be introduced in our legal system, it is necessary to improve existing curricula and organize more systematic training. Training needs will also be a subject of impact assessment analysis.

Regarding the collection of statistics, in 2011 the Ministry of Justice has implemented the program Luris, (donation of the Ministry of Foreign Affairs of the Kingdom of the Netherlands) which enables data collection and statistical reports on various parameters (such as the number of requests per state, per treaty, per type of legal assistance etc.). Still, the current system does not provide for completely accurate statistical data on [mutual legal assistance-judicial cooperation](#) and requires further improvements. For that reason, on the request of the Department for International legal assistance, the Ministry of Foreign Affairs of the Kingdom of the Netherlands provided (through the Dutch organization "Center for International Legal Cooperation") a new donation for improvement of Luris. This improvement will enable a more efficient process of dealing with requests as it will provide for generating patterns (templates) ie. automatic solving of cases per click. This is especially important because of the large number of requests for common types of legal assistance coming from the countries of former Yugoslavia. Also, improvements of Luris will allow better monitoring and the possibility to identify the causes for a backlog. It will be possible to produce reports based on this criterium. The upgrading of Luris will be finished by the end of 2015.

Judicial cooperation in criminal matters

Besides national legislation (Law on Mutual Assistance in Criminal Matters , Criminal Procedure Code, Criminal Code, Law on the Organisation of Courts, Law on Organisation and Jurisdiction of Governmental Authorities in Suppression of Organised Crime, Corruption and Other Particularly Serious Criminal Offences, Law on Organisation and Competences of Government Authorities in War Crimes Proceedings, Law on Seizure and Confiscation of Proceeds from Crime, Law on the Enforcement of Penal Sanctions) legal basis in the area of judicial cooperation in criminal matters are 24 conventions of the Council of Europe and their Protocols regulating judicial cooperation in criminal matters and conventions of the UN and its organisations, 52 bilateral agreements regulating all or individual forms of mutual assistance in criminal matters with 31 countries. In terms of EU member countries, the Republic of Serbia has concluded 31 bilateral agreements regulating different forms of judicial cooperation in criminal matters with 19 of them.

Judicial cooperation in criminal matters is also addressed in national strategic documents, such as the National Judicial Reform Strategy (2013-2018), Action Plan for the implementation of the Strategy and National Programme for Adoption of the Acquis (First Revision of the document for period 2014 –

2018).

The existing legal framework provides an adequate basis for judicial cooperation in this area, although minor adjustments are needed to align with present Criminal Procedure Code. However, in order to fully harmonize the legal framework with EU acquis in this field, it is considered to adopt a new, special law for mutual assistance with EU Member States or amend the Law on Mutual Legal Assistance in Criminal Matters (Official Gazette of RS, no. 20/2009), as well as amendments to other mentioned legislation, in line with the results of the planned impact assessment.

In the near future, the Republic of Serbia is planning to enhance ~~mutual legal assistance-judicial cooperation~~ on a bilateral basis and conclude treaties on ~~mutual legal assistance-judicial cooperation~~ in criminal matters with United Arab Emirates and Kazakhstan.

The institutional framework of judicial cooperation in criminal matters consists of courts and prosecutor's offices (~~mutual assistance-judicial cooperation~~ is provided by judicial authorities – basic and higher courts and public prosecutor's offices, in accordance with their substantive and territorial jurisdictions), Ministry of Justice (central authority through mutual assistance in criminal matters takes place), Ministry of Foreign Affairs and Ministry of Interior – INTERPOL.

Considering the number of letters rogatory in 2014 (7463 criminal matters) the current state of administrative capacities is not sufficient for quality and timely fulfilment of its obligations. Therefore, it is necessary to increase the number of staff dealing with such requests in the Ministry of Justice and especially in the courts and prosecutor offices (bearing in mind that direct communications will be the future). This matter will also be addressed in the impact assessment analysis. It is to be noted however that there is a considerable language barrier with countries outside the region, which can not be tackled immediately,

The needs for training programs and collecting of statistics for judicial cooperation in criminal matters are similar as for civil and commercial matters.

Agreement with EUROJUST

Regarding a conclusion of an agreement with EUROJUST, Republic of Serbia needs to amend the legislation on personal data protection. Also, training for prosecutors and judges is needed on this topic. More information regarding personal data protection ~~are~~ provided within Chapter 23:“Judiciary and Fundamental rights“, Subchapter 3: Fundamental rights – Current state of play.

Other activities

The judicial authorities/bodies of the Republic of Serbia (the High Judicial Council, Supreme Court of Cassation and Judicial academy) are included, as observers, in work of the Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, the European Network of Councils for the Judiciary and European Judicial Training Network.

The Republic Public Prosecutors Office and Ministry of Justice has approached to Network of the General Prosecutors of the Supreme Judicial Courts of

the European Union and Network for Legislative Cooperation between the Ministries of Justice of the European Union to acquire an observer status in October 2014. Official letters were sent during March and May 2015 to the relevant contact institutions.

Regarding necessary infrastructure, all relevant data are provided within Chapter 23: "Judiciary and Fundamental rights", Subchapter 1: Judiciary – Current state of play.

Serbia acknowledges that judicial cooperation in civil and criminal matters is part of the acquis in Chapter 24. Activities within this area will be discussed further in the framework of the dialogue on normalization between Belgrade and Pristina, in accordance with the acquis, and monitoring of its implementation will be conducted under auspice of Chapter 35.

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Some progress has been achieved. On 7 March 2013, the Government of the Republic of Serbia adopted the Conclusion 05 No: 018-1862/2013-1, adopting the text of procedures of mutual legal assistance envisaged by the IBM Technical Protocol. The Conclusion entered into force on 20 March 2013. ~~The Procedures of mutual legal assistance envisage that cooperation between competent authorities concerning general types of legal assistance (service of documents, taking of evidence, transmission of information etc) shall be effected through the EULEX, in line with, and for the duration of its mandate.~~

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On 15 November 2013, the Minister of Justice and Public Administration adopted the Directive on the Manner of Implementing the Government Conclusion 05 No: 018-1862/2013-1 of 7 March 2013, by civil servants at the Ministry of Justice and Public Administration and office of the Administration for Joint Services of the Republic Bodies. ~~In line with this, letters rogatory for mutual legal assistance of temporary institutions of self-government in Pristina are acted upon in practice.~~ Serbia will achieve the same level of judicial cooperation in civil and criminal matters with Kosovo* envisaged by European standards in this area, with strict adherence to the requirements of status neutrality. ~~As a first step and one of the priorities it will start addressing the current backlog of requests on mutual legal assistance.~~

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The Ministry of Justice, as well as all other relevant institutions shall, upon submission of an impact assessment by external experts, with the planned activities to fulfil the expected results and improve the quality of judicial cooperation in civil, commercial and criminal matters, notably harmonization of legislation with EU standards, and the strengthening of technical and administrative capacity through adequate training programs, improving the processing of statistical data through improved program LURIS, as well as adequate needs in finances in this area.

The Republic of Serbia shall create conditions for its judicial authorities, upon the accession of the EU, to act on the demands of the judicial authorities of

the Member States of the EU and take care of proper statistics.
 The observer status for Republic of Serbia in EU judicial networks will provide a „guest reader” status for representatives of the Republic of Serbia and full access to all relevant information.

JUDICIAL CO-OPERATION IN CIVIL AND COMMERCIAL MATTERS

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5.1 RECOMMENDATION: 1	OVERALL RESULT	INDICATOR OF IMPACT
With the support of external experts, prepare an impact assessment that should result in a clear timeline and adequate measures for transposing the existing <i>acquis</i> into Serbian legislation or directly implementing it, bearing in mind administrative, budgetary, staff and training needs, including: 1. Steps to improve statistics to monitor the efficient handling of international requests in this area; 2. A comprehensive training programme; 3. Prioritising direct cooperation	Judiciary of the Republic of Serbia is compatible with judiciary of the EU Member States regarding implementation of the relevant <i>acquis</i> .	- The procedure upon letters rogatory shortened - Swift court to court dealings - Sufficient numbers of MoJ and court staff trained and well equipped to implement the <i>acquis</i>

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
5.1.1	Preparation of	Ministry of	June 2016.	BUDGET	- Impact	- Published impact	

	<p>impact assessment resulting in precise timeline and measures for harmonization of national legislation with the all relevant EU acquis in the field of judicial co-operation in civil and commercial matters and international private law, including administrative, budgetary, staff and training needs. The assessment will also look into:</p> <p>1. Steps to these instruments improve statistics to monitor the efficient handling of international requests in this area;</p>	<p>Justice in cooperation with courts and Judicial Academy</p>	<p>September 2016</p>	<p>(regular) 61.870 EUR for the year 2016 TAEIX 2.250 EUR for the year 2016</p>	<p>assessment drafted</p> <p>- TAEIX expert mission</p>	<p>assessment</p> <p>-TAEIX report</p>	
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Comment [A102]: , we propose that the impact assessment covers ALL relevant EU acquis, so no need to list it anymore

	2. A comprehensive training programme; 3. Prioritising direct cooperation						
5.1.1.1.	Analysis of current legal framework and level of its alignment with the acquis, with proposed timeline for full harmonisation with relevant EU acquis	Ministry of Justice in cooperation with courts and Judicial Academy	June 2016	see activity 5.1.1	see activity 5.1.1	see activity 5.1.1	
5.1.1.2.	Analysis of administrative, budgetary and training needs	Ministry of Justice in cooperation with courts and Judicial Academy	June 2016	see activity 5.1.1	see activity 5.1.1	see activity 5.1.1	
5.1.2.	Adoption of necessary amendments to the relevant laws (determined in the impact assessment)	Ministry of Justice	IV quarter of 2018	BUDGET (regular) (2015-2018) 111.394 EUR	- Laws adopted	- Published in Official Gazette	
5.1.3.	Increase in the	Ministry of	2017 (After	Costs currently	- number of	- Rulebook on	

	number of staff (in charge of judicial cooperation in civil matters) in courts, Ministry of Justice and Ministry of Labour, Employment, Veteran and Social Policy by reorganization from current institution staff or hiring new employees. (determined in the impact analysis)	Justice, Ministry of Labour, Employment, Veteran and Social Policy, courts	Impact assessment)	unknown – shall be known after Impact assessment	employed and allocated staff in area of judicial cooperation	internal organisation and sistematization of job posts in Ministry of Justice, Ministry of Labour, Employment, Veteran and Social policy and courts	
5.1.4.	Implementation of continuous and effective training programme for judges, court staff and civil servants (determined in the impact assessment)	Judicial Academy in cooperation with courts, Ministry of Justice, Ministry of Laboru, Employment, Veteran and Social Policy	Starting of 2017 (after Impact assessment)	Costs currently unknown - shall be known after Impact assessment	- Number of training events held - Number of trained judges, prosecutors and civil servants	- Judicial academy report on implemented training sessions;	
5.1.5.	Improvement of Luris (programme	Ministry of Justice	December 2015	BUDGET (regular) 58.424	- decreased number of	- Annual report of the Ministry;	

	for data collection and statistical reports)			EUR for the year 2015	backlog cases - number and sorts of interventions underwent on disposing of bottleneck		
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5. RECOMMENDATION: 2	OVERALL RESULT	INDICATOR OF IMPACT
Ratification of 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)	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) ratified	Rights of the child in international disputes are protected at level that is standard in EU.

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
5.2.1	Preparation of the Draft Law on Ratification of the Hague Convention on	Ministry of Labour, Employment, Veteran and Social Policy	September June 2015	BUDGET (regular): for the year 2015: Working group 8.873 EUR	- The Law adopted - Number of undertaken measures for	- Official gazette of the Republic of Serbia	

	private international law on jurisdiction, applicable law, recognition, enforcement and cooperation in respect of parental responsibility and measures for the protection of children (1996)	with National Assembly		Government of Republic of Serbia 420 EUR National assembly 40.008 EUR TOTAL BUDGET for the year 2015 49.301 EUR	protection of children as provided for under the Convention in comparison to a number of the requests for application of such measures received from other State Parties. -Number of instituted proceedings to recognize the measures as determined by other State Parties. - Number of the instituted proceedings for the exercise of measures as determined by the authorities		
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					of other State Parties. - Number of completely exercised measures as set by the authorities of other State Parties.		
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JUDICIAL CO-OPERATION IN CRIMINAL MATTERS		
5.3. RECOMMENDATION: 3	OVERALL RESULT	INDICATOR OF IMPACT
With the support of external experts, prepare an impact assessment that should result in a clear timeline and adequate measures for transposing the existing <i>acquis</i> into Serbian legislation (also including the European arrest warrant) or directly implementing it, bearing in mind administrative, budgetary and training needs, including: 1. Steps to improve statistics to monitor the efficient handling of international requests in this area; 2. A comprehensive training programme; 3. Prioritising direct cooperation	Judiciary of the Republic of Serbia is compatible with judiciary of the EU Member States regarding implementation of the relevant <i>acquis</i> .	- The procedure upon letters rogatory shortened - Swift court to court dealings - Sufficient numbers of MoJ and court staff trained and well equipped to implement the <i>acquis</i>

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
5.3.1	Preparation of impact assessment resulting in precise timelines and measures for harmonization of national legislation with the all relevant EU acquis in the field of judicial co-operation in criminal matters (also including the European arrest warrant) including administrative, budgetary, staff and	Ministry of Justice in cooperation with courts and public prosecutor's office, Judicial Academy, Ministry of Interior	June 2016	BUDGET (regular) for the year 2016: Working group: 33.120 EUR External experts: 28.750 EUR TAIEX 2.250 EUR TOTAL BUDGET for the year 2016 59.808 EUR	- Impact assessment drafted	- Published impact assessment	
			September 2016				

Comment [A103]: we propose that the impact assessment covers ALL relevant EU acquis, so no need to list it anymore

<p>training needs.⁵</p> <p>The assessment will also look into:</p> <p>1. Steps to these instruments improve statistics to monitor the efficient handling of international requests in this area;</p> <p>2. A</p>					<p>- TAIEX expert mission</p>	<p>- TAIEX report</p>	
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⁵Relevant acquis in this area is:

- [Framework Decision 2002/584 / JHA on the European arrest warrant and the surrender procedures between Member States](#)
- [Framework Decision 2008/909 / JHA on mutual recognition of measures of deprivation of liberty](#)
- [Framework Decision 2009/829 / JHA on mutual recognition of supervision measures](#)
- [Framework Decision 2009/947 / JHA on mutual recognition of alternative sanctions](#)
- [Framework Decision 2005/214 / JHA on mutual recognition of financial penalties](#)
- [The Framework Decision 2002/465 / JHA on joint investigation teams](#)
- [Framework Decision 2009/829 / JHA of 23.10.2009. on the mutual recognition of supervision measures](#)
- [Framework Decision 2009/947 / JHA on mutual recognition of alternative sanctions](#)
- [Council Framework Decision 2003/577/JHA of 22 July 2003 on the execution in the European Union of orders freezing property or evidence](#)
- [Council Framework Decision 2005/212/JHA of 24 February 2005 on Confiscation of Crime Related Proceeds, Instrumentalities and Property](#)
- [Council Framework Decision 2006/783/JHA of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders](#)
- [Council Framework Decision 2008/978/JHA of 18 December 2008 on the European evidence warrant for the purpose of obtaining objects, documents and data for use in proceedings in criminal matters](#)
- [Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA](#)
- [Directive 2014/41/EU of the European Parliament and of the Council of 3 April 2014 regarding the European Investigation Order in criminal matters](#)

	comprehensive training programme; 3. Prioritising direct cooperation						
5.3.1.1	Analysis of current legal framework and level of its alignment with the acquis, with proposed timeline for full harmonisation with relevant EU acquis	Ministry of Justice in cooperation with courts and public prosecutor's offices, Judicial Academy, Ministry of Interior	June 2016	see activity 5.1.1	see activity 5.1.1	see activity 5.1.1	
5.3.1.2	Analysis of administrative, budgetary and training needs	Ministry of Justice in cooperation with courts and public prosecutor's offices, Judicial Academy, Ministry of Interior	June 2016	see activity 5.1.1	see activity 5.1.1	see activity 5.1.1	
5.3.2	Adoption of new Law on mutual legal assistance (with EU countries)	Ministry of Justice	IV quarter of 2018	BUDGET(regular) 71.136 EUR for the year 2016	- Law adopted	- Published in Official Gazzete	

	or amendments to the current law (determined in the impact assessment)						
5.3.3	Adoption of necessary amendments to the relevant procedural laws (determined in the impact assessment)	Ministry of Justice	IV quarter of 2018	- BUDGET (regular) (2015-2018) 97.301 EUR	- Laws adopted	- Published in Official Gazzete	
5.3.4	Increase in the number of staff (in charge of judicial cooperation in criminal matters) in courts, prosecutor's office, Ministry of Justice by reorganization from curent institution staff or hiring new employees. (determined in the impact assessment)	Ministry of Justice, courts, prosecutor's office	2017 (After Impact assessment)	Costs currently unknown – shall be known after Impact assessment	- number of employed and alocated staff in area of judicial cooperation	- Rulebook on internal organisation and sistematization of job posts in Ministry of Justice, courts, prosecutor's office	
5.3.5	Implementation of continuous and effective training	Judicial Academy in cooperation with	Starting of 2017 (After Impact	Costs currently unknown – shall be known after Impact	- Number of training events held	- Judicial academy report on implemented	

	programme for judges, prosecutors court and prosecutorial staff and civil servants (determined in the impact assessment)	courts, prosecutor's office, Ministry of Justice	assessment)	assessment	- Number of trained judges, prosecutors and civil servants	training sessions;	
5.3.6	Improvement of Luris (programme for data collection and statistical reports)	Ministry of Justice	December 2015	see activity 5.1.5	see activity 5.1.5	see activity 5.1.5	
5.4 RECOMMENDATION: 4			OVERALL RESULT			INDICATOR OF IMPACT	
Preparations to conclude the agreement with EUROJUST, notably in terms of personal data protection. Amendments to the legislation on Data Protection, are required.			The agreement with EUROJUST concluded			- The Cooperation agreement with EUROJUST will make ipossible to exchange personal data and as consequence it will enable better prosecution and investigation in cross border crimes.	
No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
5.4.1	Organization of visit of EUROJUST	Ministry of Justice, Public Prosecutor's	October 2015	BUDGET (regular) 3.019 EUR for the year	- EUROJUST Recommendations received	- EUROJUST report	

	experts to assess the degree of harmonisation and give recommendations to meet conditions for signing an agreement with the EUROJUST	Office, Ministry of Interior and Commissioner for Information of Public Importance and Personal Data Protection		2015			
5.4.2	Amend and supplement the normative framework of the Republic of Serbia in the field of personal data protection in line with tables of concordance (see 3.11.1.2. AP Chapter 23, subchapter "Fundamental rights – personal data protection")	(see 3.11.1.2. AP Chapter 23, subchapter "Fundamental rights – personal data protection")	(see 3.11.1.2. AP Chapter 23, subchapter "Fundamental rights – personal data protection")	(see 3.11.1.2. AP Chapter 23, subchapter "Fundamental rights – personal data protection")	(see 3.11.1.2. AP Chapter 23, subchapter "Fundamental rights – personal data protection")	(see 3.11.1.2. AP Chapter 23, subchapter "Fundamental rights – personal data protection")	
5.4.3	Implementation of continuous and	Judicial Academy with	September 2015	DONATION: Negotiations with	- Number of training events	- Judicial academy report on	

	effective training programme for judges, prosecutors, court and prosecutorial staff to ensure that those involved are able to cooperate with EUROJUST (including trainings on data protection)	Republic Public Prosecutors' Office, Supreme Court of Cassation and Ministry of Justice		donors are in progress	held; - Number of trained judges, prosecutors, court and prosecutorial staff;	implemented training sessions;	
5.4.4	Organisation of visit of EUROJUST experts to assess the fulfilment of conditions for signing the agreement with EUROJUST	Ministry of Justice, Public Prosecutor's Office Commissioner for Information of Public Importance and Personal Data Protection	June 2016	BUDGET (regular) 3.019 EUR for the year 2015	- Approval from EUROJUST that the conditions are met;	- EUROJUST report;	
5.5 RECOMMENDATION: 5			OVERALL RESULT		INDICATOR OF IMPACT		

Involvement of judicial authorities as observer members of the European Judicial Training Network, Association of the Councils of State and Supreme Administrative Jurisdictions of the European Union, Network of the Presidents of the Supreme Judicial Courts of the European Union, Network of the General Prosecutors of the Supreme Judicial Courts of the European Union, and Network for Legislative Cooperation between the Ministries of Justice of the European Union	Judicial authorities/bodies of the Republic of Serbia involved as observer members of judicial organisations/bodies of the European Union	<ul style="list-style-type: none"> - Republic of Serbia participate in exchange of experience and best practices - Republic of Serbia accommodate its judicial mechanism in accordance with received information
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
5.5.1	Application for observer status in judicial networks of EU, Network of the General Prosecutors of the Supreme Judicial Courts of the European Union and	Ministry of Justice , in cooperation with courts and public prosecutor's offices, Judicial Academy	June <u>October</u> 2015	No costs	- Submitted application;	- Web site of the network;	

	Network for Legislative Cooperation between the Ministries of Justice of the European Union						
5.5.2	Participation as observer in work of judicial networks of EU	Ministry of Justice, Republic Public Prosecutor's Office, High Judicial Council, State Prosecutorial Council, Supreme Court of Cassation, Judicial Academy	starting from June 2016	Costs currently unknown	- The amount of exchanged information;	- Internal reports on activities;	
5.6 RECOMMENDATION: 6		OVERALL RESULT			INDICATOR OF IMPACT		
Create the material conditions in courts and		Conducted comprehensive analysis of the costs,			With a clear, pre-defined methodology, regularly		

<p>prosecution offices to allow for international judicial co-operation</p>	<p>efficiency and access to justice as the foundation for taking further steps in the reform of the court network. (See 1.3.3. – overall result AP Chapter 23, subchapter: „Judiciary“)</p>	<p>are monitored data on the:</p> <ul style="list-style-type: none"> - Number of courts and public prosecutor's offices at 100 000 inhabitants; - The number of judges and public prosecutors per 100 000 inhabitants; - Average and maximum distances of the courts and public prosecutor's offices of dwellings in the area of the court or the public prosecutor's office; - The conditions and extent of exercising the right to free legal aid; - The conditions and extent of exercising the right to a remedy; - The amount of court fees; - The number of cases by the court or the public prosecutor's office; - The number of cases per judge or a public prosecutor; - Costs of functioning judicial network; - The average length of proceedings (with the matter); - Backlog; - old cases; - Number of accepted applications to the European Court of Human Rights relating to the violation of the right to trial within a reasonable time.
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
5.6.1	Undertaking further reform steps to correction the structure of the judicial network, improvement of infrastructure and internal procedures, based on the results of a comprehensive analysis from activities 1.3.3.1, 1.3.4.1 and 1.3.5.1 (see 1.3.3.2. AP Chapter 23, subchapter: „Judiciary“)	(see 1.3.3.2. AP Chapter 23, subchapter: „Judiciary“)	(see 1.3.3.2. AP Chapter 23, subchapter: „Judiciary“)	(see 1.3.3.2. AP Chapter 23, subchapter: „Judiciary“)	(see 1.3.3.2. AP Chapter 23, subchapter: „Judiciary“)	(see 1.3.3.2. AP Chapter 23, subchapter: „Judiciary“)	

6. Police cooperation and fight against organised crime

6.1. POLICE COOPERATION

CURRENT STATE OF PLAY:

Police cooperation in the Republic of Serbia is effective and comprehensive and it takes place at all levels (strategic, operational, specialist and border level) and via different communication channels (international – INTERPOL, EUROPOL, SELEC, and bilateral). The information is exchanged for different purposes: for criminal investigation, prevention and detection of crime and for ensuring public order and security. On average, around 50,000 exchanges take place via the INTERPOL channel at annual level, 30,000 of which represents the number of messages exchanged with police of the EU Member States. All standard methods of work of the European police services are used in the daily police work as well as the following institutes: arrests based on international notices in the country and abroad, parallel investigations, controlled deliveries, operations with undercover agents joint investigation teams, etc. The Serbian police participates in the INTERPOL databases of wanted persons, stolen motor vehicles, documents, works of art and other, and performs operational cooperation on the basis of concluded bilateral (20 international agreements on police cooperation with the Third Countries are currently in force, including the 15 EU Members States) and multilateral police cooperation agreements (Serbia has ratified more than 25 UN and Council of Europe Conventions) as well as on domestic legislation – Law on Police, Criminal Procedure Law, Criminal Code, Law on International Legal Assistance in Criminal Matters, Law on Personal Data Protection, Law on Confidentiality of Data and other which have provided the legal basis for it, which is based on precisely defined subjects and communication channels of INTERPOL, EUROPOL and domestic and foreign liaison officers. The Single Point Contact (SPOC) represents “all in one” in the area of international police cooperation which operates on 24/7 basis, where Serbia, as a future EU country, gathers its SIRENE bureau, ENU and INTERPOL national central bureau, national and foreign liaison officers and contact points of other channels.

Overall, there is a need to rationalise the reorganisation of the police and There is a need to strengthen human resources and operational capacities. This requires through trainings and more efficient the reorganisation to allocate allocation of allocate staff more effectively where needed as it to, enables the trained staff to use different information tools in their work so as to enable them to validate requests and replies within various police channels within police cooperation (Secure Information Exchange Network Application – EUROPOL, SIRENE – Schengen Information System (SIS 2), exchange procedure in case of a Prüm hit, I-Link INTERPOL system),

The legal framework is mostly harmonized in the area of police cooperation with the European Acquis in relation **to cooperation with EUROPOL (Serbia signed an operational agreement with Europol in 2014)**, the future implementation of the Swedish initiative and in the area of fight against violence and disorderly conduct in sports events and the protection of public figures as well as in the field of the suppression of motor vehicle crime with transborder implications. The institutional framework for law enforcement does exist and the police are acting at the optimal level in accordance with their authorizations

and capacities, relative to the tasks entrusted by law. The legal framework for the Prüm Decision has been partially harmonised.

Efficiency of the institution is followed on the basis of the number of the data exchanged with INTERPOL and EUROPOL and participation in the EUROPOL Focal Points. The Serbian EUROPOL National Unit has appropriate spatial and technical conditions for work which have to be improved in the field of safety and data confidentiality and it is also necessary to fill staff vacancies as soon as possible due to expected increase in workload because of joining the EUROPOL Focal Points. There will be difficulties in financing as for raising safety standards (IPA 2015 or bilateral - especially with Norway, until the accession to the EU). The institution capacities are being improved through the training programs for employees (Siena Training in June 2014, Swedish Initiative Workshop in July 2014). It is intended that a liaison officer be appointed in the Hague till the end of 2015.. Secure communication link via EUROPOL Network Application for secure exchange of information (SIENA) was established in 2012. It is coordinating with the exchange of operational information between EUROPOL and the Serbian police. In the period from 01.01.2012 until 15.10.2014 a total number of 1554 messages were exchanged via SIENA and only in the last 5 months, since the moment when the operational agreement became valid, 774 messages have been exchanged. The Serbian EUROPOL National Unit (hereinafter ENU) has 9 work places and 3 are currently filled (head, two inspectors and information analysts). 6 vacancies at ENU are to be filled till 4th quarter of 2016. The training will take place continuously until and after the accession to the EU. It has direct access to all national bases. It is the contact point for EMPACT-EU and within the Bureau has been coordinating with 5 international police actions at the national level. It is also coordinating with the procedure of joining the following Focal Points of EUROPOL (consent of all the participating countries in a focal point has to be given previously, in accordance with the EUROPOL rules): *FP Twins* (child sexual abuse through the Internet), *FP Checkpoint* (illegal migration), *FP Phoenix* (trafficking in human beings), *FP Cyborg* (cyber attacks), *FP Synergy* (synthetic drugs) and Focal Points in relation to counter-terrorism and combating drug trafficking. It has been invited in the capacity of an observer to participate in the meetings of HENU in EUROPOL

The legal framework is mostly harmonized with **the Swedish Framework Decision**. The institution of **framework in charge of implementing this Swedish Framework decision** has been established. Institutions have sufficient executive authorisations in accordance with their tasks. Serbia achieves police co-operation respecting the standards of INTERPOL and EUROPOL when acting upon the requests for information sent by foreign police. SPOC (Serbian Single Point of Contact, which has been established through the Regional Project ILECU – International Law Enforcement Coordination Unit) **fully implements the principle of “equivalent approach”** and sends the information to the interested member stated bilaterally through EUROPOL’s SIENA and through INTERPOL 24/7 system under conditions that are not stricter than those applied at the national level as well as in accordance with the national laws. Specialized International Operational Police Co-operation Department (SPOC or ILECU unit) was established in 2011 as a part of the Police Directorate, Ministry of the Interior of the Republic of Serbia, and it currently has 63 employees and 88 systematized work places. Apart from NCB INTERPOL Belgrade and EUROPOL National Unit, within the Serbian SPOC there is also a Duty Service 24/7, as well as co-operation with foreign liaison officers and the plan is to establish SIRENE Bureau until and after the accession to the EU and coordination with national liaison officers posted abroad. Serbia currently has liaison officers posted to seven countries and international organizations (MARI Centre and SELEC). The coordination of domestic and foreign police liaison officers as one of the police cooperation instruments is part of the internal Instructions on Police Officers who are dispatched abroad, which is to be adopted by the 2nd quarter 2016. SPOC has direct access to the national databases so that it could efficiently comply with the requests of foreign police. The Swedish

Comment [A104]: Do you refer to a single institution or several of them?

Comment [A105]: Please note that this is only one of the principles !

Initiative will be implemented into the national legislation through the proposed activities. The capacities of the institutions and training programmes for employees should be improved, so that SPOC would represent “all in one“ in the area of international police cooperation which operates on 24/7 basis..Trainings are already held (the SIENA training in June 2014, training regarding cross-border cooperation and Swedish Initiative July 2014, the INTERPOL training for stolen motor vehicle databases in January 2015, EUROPOL training for Europol services and products planned for April 2015, INTERPOL training for motor vehicles planned for May 2015) and continuously until and after the accession to the EU. The vacancies of SPOC have filled continuously since 2011 and all the vacancies will be filled until 4th quarter of 2016. The Guidelines on International Operational Police Cooperation, which will define the operational procedure for data exchange on the basis of different EU instruments on police cooperation already exists and it will be updated continuously until and after the accession to the EU.

There is partial alignment with the EU legal framework as regards **the Prüm Decision**. The institutions act at an optimal level in accordance with their capacities and authorisations. In its capacity as expert service within the MOI , the IT Department is responsible for the integrated automated information system of the Ministry (JIS). The system’s principal segments are: a system for recording, updating, storing and processing alphanumerical data, system for personalization of e-ID documents with biometrical data, including a system for filing, document management system, system for processing fingerprints, palms and photographs of individuals, system of public keys protection and affairs of certification body, system of protected electronic mail, system of end-to-end data transmission and storage, Internet system and application of multimedia technology, new user services (mobile systems). These systems help collect ID alphanumerical and biometrical data (alphanumerical and biometrical data - photograph, fingerprint, palm print, signature, etc.), process data, integrate processed data with existing databases, create new databases, design functionally new JIS, monitor and supervise the implementation of methodology of data collecting, delivering and processing, as well as the use of JIS; project, develop, materialize and maintain JIS; install and maintain the computer equipment and software; train staff to use JIS. There are some difficulties in financing the implementation of the Prüm Decision relating to efficient technical capabilities of the integrated information system. As for the part of the Prüm Decision relating to defining procedures for data exchange on public order, terrorism, performing joint operations and other types of cross-border cooperation, data are exchanged with the EU police on 24/7 basis via SPOC, as mentioned above. on the basis of the membership in INTERPOL and EUROPOL and bilateral and multilateral agreements on police cooperation. National contact points have been defined in these areas in accordance with national laws. With appropriate preparations and improvements of the existing ICT infrastructure and in accordance with necessary legal regulations, it is possible to fulfill the EU standards which relate to enabling communication with TESTA network and relevant entities and systems for automated data exchange at the EU level in accordance with the Prüm. The AFIS system is in place and it supports the use of standard NIST format.

Serbia needs to analyze the current situation for the gradual implementation of Prüm decision. New software and hardware must be implemented and training, connections and some trials conducted before the implementation of the Prüm Decision. There is partial alignment with EU regulations on the exchange of DNA analysis results. In this context, the new Law on DNA Register should be adopted, subliming the relevant EU regulations and opening the path towards the implementation of the latter two regulations, relating to the Prüm decisions. We need to connect some public and private DNA labs, because, MoI will be Focal point of future DNA exchanging. In that way, Serbia needs some IPA or bilateral Project (estimated costs about 4,800.000 Euros,

after 2018 and continuously). Similar needs are necessary for fingerprints and vehicle area in same project. Before it is necessary to establish "the chain of custody" of traces and materials which will contain fingerprints and DNA isolated from crime scenes in the entire territory of Serbian with regard to other relative EU regulations (see ^{11a} footnote). Thus, the capacities of the Serbian police in their fight against organized crime will be strengthened. This part is second part of one or more projects (IPA or bilateral - especially with Sweden or/and Norway, namely IPA 2015 – 2017, until the end of 2017, after that period and after joining the EU, so it can be started this or next year and after that period) with estimated costs of 6,000.000 Euros (5 labs in 5 different paces with a lot of different area parts and 27 PD's in whole Serbia).

In addition, legal drafting is necessary, as well as their implementation, which entails significant resources. To the same end, the Law on Police and the Criminal Procedure Code must also be amended, including subsequent adoption of several by-laws by different government authorities, with full personal data protection. Together with the development of the system for fingerprints and DNA, the national information system for the stolen motor vehicles and the data on vehicle owners is also to be upgraded in order to be synchronized with the Schengen/INTERPOL SMV database in terms of entry/cancellation of stolen motor vehicles and with the aim of protecting bona fide owners as well as with a view to prevention of smuggling of motor vehicles with transborder implications.

In accordance with the EU Council Decision 2002/348/JHA of April 25th, 2002, concerning **security in connection with football matches** with an international dimension, the Division for monitoring and suppressing violence in sports events – National Football Information Centre (NFIP) was created in 2011. Relevant organisational units and job positions responsible for monitoring and suppressing violence in sports events have been formed at the level of police departments. The Division functions as a focal point for information exchange on sports events with national and international dimension. On July 12th, 2013, the Government of the Republic of Serbia adopted the National strategy on fight against violence and disorderly conduct in sports events over the period from 2013 to 2018, with its Action Plan, which represents a strategic document, setting out the basic principles and security policy in the area of fight against violence and disorderly conduct in sports events. The basis for monitoring and evaluating the National Strategy is the National Action Plan for fight against violence and disorderly conduct in sports events, which contains strategic areas and goals, activities to achieve goals, financing sources and deadlines for accomplishing each activity. The system of monitoring and evaluating comprises all phases and levels of enforcing the Action Plan, as well as the plan of activities which is designed every second year due to recurrent social changes as new phenomena of violence, which require swift and efficient response of the society. It is supposed to provide information on the progress and enforcement of defined activities, as well as to assess whether the goals are achieved. Through feedback information, this system is the basis for improvement of the Action Plan and plan of activities, redefining particular activities, reaching decisions based on the facts and data, coordinating all of those who participate in the Action Plan, as well as sharing responsibilities to produce results. The Government's Action Team and Council for suppression of violence and disorderly conduct in sporting events should assess whether the plan is successfully applied and in accordance with the assessment, and if necessary, it should redefine the existing activities, depending on the results. The legal framework is mostly harmonised with the EU regulation in the area of **protection of public figures** National Contact Point for protection of public figures is in place. It is required to improve the capacity of their staff through trainings, participation in international workshops, etc. The mentioned activities will take place

continuously during the validity of the strategy, namely from January 2013 until the end of 2018.

As for the EU legal framework in relation to **vehicle crimes**, the national legislation is partially harmonized with it. The institutional framework has been established. The institutions operate within their purview and capacities in a manner that is optimum in relation to the tasks set. The check on the registration of a vehicle of the first owner is conducted through INTERPOL, but while this check is in progress, the vehicle of the owner is registered provisionally, and thus, in case the check on the vehicle through the INTERPOL ASF is positive, the vehicle may be seized from its owner. New procedures on the manner of checking the vehicle during the process its registration will contribute to the transparency of the process with the aim of protecting the legal owner and thus simplified procedure of the return of the vehicle will serve to this purpose as well. The build-up of the national information system of the Ministry of the Interior in order to synchronize the national database with the Schengen/INTERPOL SMV database in terms of entry/cancellation of stolen motor vehicles will be achieved through the implementation of the proposed activities. The existing Rulebook on Registration of Motor Vehicles and Trailers will be amended by first quarter of 2016. The draft of the proposed amendment to the Criminal Code by which a new criminal offence of motor vehicle smuggling with international character is to be submitted to the National Parliament by first quarter 2016.

Workshop on the strengthening of capacities for combating international vehicle trafficking TAIEX 59644 took place in the period from 16.06 until 17.06.2015 in Belgrade. The activity 6.1.4.5. from action plan for Chapter 24, Subchapter Police Cooperation, was realized. Main purpose of the workshop was to enhance mutual cooperation between national competent authorities in order to combat cross-border vehicle crime, with specific attention to cooperation with respect to export control. The realization of the workshop was very successful, the topics were good addressed and presented. The lecture and the recommendations after their use in practice can make the work of police officers much easier and faster. The presented ways of cooperation between private and public partners were good explained, and the ways of establishing such connections were presented, such as the benefits from this kind of acting.

Police Training Centre in the Republic of Serbia – Centre for Specialized and Advanced Training – has not yet concluded a formal agreement on cooperation with European Police College (CEPOL), which should be done by June 2015. The training organized within cooperation with CEPOL will enable building up capacities through the exchange and sharing of experience and ideas of police officers employed in different lines of work as well as getting acquainted with the structure of foreign police services and their working methodology and procedures in area of police in community, high police management, international information exchange and combating specific forms of criminal activities. This training might include exchange study visits, workshops, seminars, e-learning, enet, participation in forums, etc. The draft of working arrangement on cooperation with the CEPOL prepared. The national contact point nominated.

Serbia recognizes that police cooperation and the fight against organized crime are elements of the acquis in Chapter 24. In that regard, there was held the first

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meeting between the Serbian Police Director and Kosovo Police Director on 10 March 2015 under the auspice of EU- EULEX Police. Necessity to improve cooperation on operational level, in all aspects of policing, especially regarding organized crime as well as all security related and interesting events along the administrative line was underlined. The need to mutually intensify cooperation in the forthcoming period was highlighted.

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Currently, the police cooperation runs through the INTERPOL UNMIK Office in Priština and NCB of INTERPOL Belgrade via INTERPOL channel, most usually for the purpose of conducting investigations for criminal offences of forgery of driving and vehicle registration licences, motor vehicle thefts, establishing of identity, etc.

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The total number of exchanged police information for 2014 is 970, out of which 348 is the number of received information and 622 is the number of information sent. From January 2015 to 18.03.2015 the total of 125 messages were exchanged.

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Serbia is ready to continue to have regular meetings between the Serbian Police Director and Kosovo* Police Director and their representatives in order to intensify police cooperation with Pristina. Serbia is ready to further discuss working arrangements for police cooperation with Pristina.

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6.1.1. RECOMMENDATION: 1	OVERALL RESULT	IMPACT INDICATOR
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<p>Ensure effective implementation of the Operational Agreement with EUROPOL and the posting of a liaison officer in the Hague¹</p>	<p>Full harmonisation with the <i>acquis</i> in the field of cooperation with EUROPOL through Strategic and Operational Agreement</p>	<p>More efficient cooperation with EU Member States in preventing of and fight against organised crime, terrorism and other forms of international crime, particularly through the exchange of data between the Republic of Serbia (ENUs and LBs) and EUROPOL</p>
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.1.1.1	Conduct the analysis of the current situation from the aspect of implementing standards in the field of data assurance and confidentiality	Ministry of the Interior (International Operational Police Cooperation Department, Head of the Division for Cooperation with EUROPOL)	December 2015	BUDGET (regular) – EUR 2.795EUR for the year 2015 TAIEX 4.500 EUR - for the year 2015	Experts engaged; the analysis with recommendations of measures to improve the situation in regard to data assurance and confidentiality conducted (the existing video surveillance system upgraded, the access controlsystem and alarm system	Document on the analysis with the recommendations of measures for improvement of the situation regarding confidentiality of data at the International Operational Police Cooperation Department	

					upgraded)		
6.1.1.2	Meet security standards in accordance with recommendations from the analysis and in accordance with EUROPOL System Specific Security Requirements, EUROPOL Security Manual and EUROPOL Security Guidelines	Ministry of the Interior (International Operational Police Cooperation Department, Head of the Division for Cooperation with EUROPOL, in cooperation with Security Department, IT Department, Cabinet of the Minister, Security Division)	IV quarter of 2017	Proposed for IPA 2015 50.000 EUR BUDGET (regular) 50.000 EUR	Standards and recommendations defined by EUROPOL documents fulfilled: organisation, system and measures relating to security ensured, the adequate level of physical security of premises ensured, procedures developed, missing equipment procured	The final report on the project EUROPOL provides a positive assessment on co-operation with Serbia	
6.1.1.3	Create a Manual on the form and the contents personal data which will	Ministry of the Interior, International Operational Police	I quarter of 2016	BUDGET(regular) (2015-2016) 9.336 EUR	Created manual Plan of continuous trainings of	1.The number of information which are stored in the database on international	

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	<p>contain;</p> <ol style="list-style-type: none"> 1. the procedures for handling personal data 2. Plan of personal data protection 3. The commitment to organize continuous trainings of the SPOC officers 	Cooperation Department			officers made	<p>police cooperation which runs via INTERPOL, EUROPOL, SELEC and other channels</p> <ol style="list-style-type: none"> 2. The number of deleted and updated information in accordance with the application of standards in the area of personal data protection 3. The number of classified and unclassified information exchanged with EUROPOL 4. Reports on Trainings 	
6.1.1.4	Capacity building of the National Contact Point for cooperation with EUROPOL	Ministry of the Interior (Head of the Division for Cooperation with EUROPOL)	IV quarter of 2016	BUDGET (regular) – the transfer of employees from other organisational units (6): 54.000 EUR for the year 2015 72.000 EUR for the year 2016 72.000 EUR for the	Six vacancies at the National Contact Point for cooperation with EUROPOL filled, in accordance with meri-based and competence based	Employment agreements and reports on the statistics on the number of exchanged messages; the number of the conducted police operations	

				<p>year 2017 72.000 EUR for the year 2018 TOTAL: EUR 270.000</p> <p>Budget (the existing resources /additional) – Equipment TBD – IV quarter of 2016</p> <p>Training for ENU police officers – OSCE funding</p>	<p>recruitment criteria, pursuant to the Rulebook on Job Classification of the Ministry of the Interior; training for the participation in the EUROPOL analysis groups</p>	<p>coordinated by EUROPOL (EMPACT Project);</p> <p>Report on the training</p>	
6.1.1.5	<p>Develop, adopt and implement the plan of additional trainings for employees to use SIENA, with the aim to strengthen administrative and technical capacities of the National Contact Point for cooperation with EUROPOL²</p>	<p>Ministry of the Interior; International Operational Police Cooperation Department (Head of Division for Cooperation with EUROPOL)</p>	<p>continuous</p>	<p>BUDGET (regular)</p> <ul style="list-style-type: none"> – plan for the development of trainings –931 EUR – TAIEX experts – 4.500 EUR for the year 2014 – TAIEX experts – training for the employees of the National Contact Point for cooperation with EUROPOL – EUR 9.000 for the year 2015 – EUR 9.000 for the 	<p>The training plan developed, adopted and implemented; nine police officers of the EUROPOL National Contact Point trained</p>	<p>Reports on trainings</p>	

				year 2016 – EUR 9.000 for the year 2017 – EUR 9.000 for the year 2018			
6.1.1.6	Post one liaison police officer in the The Hague from the Ministry of Interior- General Police Directorate; train the selected liaison officer before being posted to EUROPOL ^{3 4}	Ministry of the Interior	December 2015	BUDGET (regular)– - 1.242 EUR for the year 2015 BUDGET(Additionally) – costs of posting a liaison officer : - 49.500 EUR for the year 2015 - 66.000 EUR for the year 2016 - 66.000 EUR for the year 2017 - 66.000 EUR for the year 2018 TOTAL BUDGET (2015-2018): 247.500 EUR Other sources: The training is implemented by EUROPOL at its own cost after a liaison officer is posted to	The liaison officer selected and posted to EUROPOL in accordance with merit-based and competence based recruitment criteria; The Rulebook on Internal Organisation and Job Classification at the Ministry of the Interior (in regard to the job description for the liaison officer in the Division for Cooperation with EUROPOL, International Operational Police	Document on the secondment of a liaison officer	

				EUROPOL.	Cooperation Department) amended; Training for the police liaison officer completed		
6.1.1.7	Sign working arrangements on joining EUROPOL analytical groups	Ministry of the Interior; International Operational Police Cooperation Department (Head of the Division for Cooperation with EUROPOL)	June 2015	BUDGET (regular) – 207 EUR for the year 2015	Number of signed working arrangements; Attendance at meetings of analytical groups to receive the results of EUROPOL analyses	Signed working arrangements and reports on the statistics on the number of exchanged messages	
6.1.1.8	Participation in joint investigation teams	Ministry of the Interior (International Operational Police Cooperation Department, Head of the Division for Cooperation with EUROPOL,	IV quarter of 2016	BUDGET (regular) – 1.863 EUR for the year 2016	Establishment and work of joint investigation teams	The number of JITs	

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		Criminal Police Department, Organised Crime Prosecutor's Office, Ministry of Justice)					
6.1.1.9	Submitting information on new identified psychoactive substances to the EUROPOL	Ministry of the Interior; International Operational Police Cooperation Department, Criminal Police Department; Ministry of Health	continuous	BUDGET (regular) – 40 EUR per year (2015-2018) TOTAL BUDGET (2015-2018): 160 EUR	Track records SIENA, and information system of the International Operational Police Cooperation Department	Report on the statistics, proof of cooperation with the Ministry of Health	

¹The Law Ratifying the Agreement on Operational and Strategic Cooperation between the Republic of Serbia and the European Police Office was published in the "RS Official Gazette", No 5/14-international treaties, 30 May 2014.

²In accordance with Article 8 – National units, paragraphs 1, 3, 4 of the *Council Decision establishing the European Police Office – EUROPOL* (2009/371/JHA).

³In accordance with Article 9 – Liaison officers, paragraph 1 of the Council Decision establishing the European Police Office – EUROPOL 2009/371/JHA).

⁴In accordance with the EC recommendation.

6.1.2. RECOMMENDATION: 2	OVERALL RESULT	INDICATOR OF IMPACT
Strengthen human resources and the operational	Harmonisation with the <i>acquis</i> in the field of	Efficient prevention and suppression of criminal

capacities to implement various instruments in the field of efficient police cooperation, in particular the Swedish Initiative ⁶⁷	police cooperation	activities; created new and strengthened existing organisational, information and staff capacities with a view to efficient police cooperation
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.1.2.1	Conduct the analysis of situation in terms of necessary human resources, legislative and institutional framework for efficient international police cooperation, also in relation	Ministry of the Interior, International Operational Police Cooperation Department, in cooperation with a foreign expert	December 2015 + 12 months	BUDGET (regular) 2.795 EUR TAIEX 2.250 EUR	Conducted analysis of situation with the recommendation of measures developed: identified contact points in law enforcement authorities; work on the principle of 24/7 established in all contact points, especially within SPOC; The statement on the contact points	Document on the analysis with the recommendations ; the Document on the Systematization of work posts within the Ministry of the Interior; the 24/7 duty services already established within SPOC – the number of the	

⁶In accordance with the EC recommendation.

⁷In accordance with recommendations of the European Commission's European Information Exchange Model (EIXM) COM (2012) 735 final, in relation to setting up Single Points of Contact (SPOC) - INTERPOL-EUROPOL-SIRENE-SIS-liaison officers.

	to data availability, accessibility and reciprocity with a view to the implementation of Swedish Initiative				<p>sent to the EU Council and the Commission; The statement on the contact point for urgent information and data exchange sent to the EU Council and the Commission (SPOC) Identified all agreements which will be applied at national level following the application of the Swedish Initiative; Sending of the statement on the agreements the application of which continues to the EU Council;</p> <p>Transfer of the Swedish Initiative into the national legislation (a relevant legal document adopted and sent to the EU Council),</p>	<p>duty officers within SPOC; identified contact points, statements sent to the EU and identified all agreements to be applied at national level; statement on the agreement the application of which continues sent to the EU council, relevant legal documents adopted and sent to the EU</p>	
6.1.2.2	Develop the Guidelines on	Ministry of the Interior	IV quarter of 2016	BUDGET (regular) 9.315 EUR for the year	The Guidelines on International	The Guidelines on International	

<p>International Operational Police Cooperation, defining operational procedures and International Operational Police Cooperation Department as a single national contact point⁸⁹In additional to the very useful references 7 and 8, the following Council document should be considered:</p> <p>“SPOC Guidelines for</p>	<p>(International Operational Police Cooperation Department, Criminal Police Department, IT Department, Department for Administrative Affairs, etc.); The forming of a working group at the level of the</p> <p>Ministry of the Interior is underway, upon the initiative of International Operational Police Cooperation Department</p>	<p>Note: continuous (in accordance with new requirements covered by EU instruments; the Guidelines will be supplemented)</p>	<p>2016 TAIEX 2.250 EUR for the year 2016</p>	<p>Operational Police Cooperation adopted</p>	<p>Operational Police Cooperation</p>	
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⁸These Guidelines will contain all individual operational procedures for international police operational cooperation.

⁹In accordance with recommendations of the European Commission’s European Information Exchange Model (EIXM) COM (2012) 735 final, in relation to setting up Single Points of Contact (SPOC) - INTERPOL-EUROPOL-SIRENE-SIS-liaison officers.

	international law enforcement information exchange”, Doc 6721/2/14						
6.1.2.3	Upgrade human resources by implementing training in the field of international operational police cooperation, in accordance with recommendations from the analysis	Ministry of the Interior (International Operational Police Cooperation Department)	December 2015	TAIEX experts –6.750 EUR for the year 2015 TAIEX visit – 3.000 EUR for the year 2015 TAIEX workshop + expert –5.700 EUR for the year 2015	The training plan in relation to the use of INTERPOL and EUROPOL databases and channels developed, adopted and implemented, in relation to: the introduction of new data exchange systems (I-link, SIRENA, SIS 2, PRUM, SIENA), standards on personal data protection and data confidentiality, access to the <i>Schengen Information System</i> , handling <i>EUROPOL analytical working files</i> and <i>implementation of targeted searches and</i>	Reports on trainings	

					<i>extradition of persons;</i> 2014 – one workshop implemented via TAIEX on the topic of cross-border cooperation based on the Swedish Initiative; 50 police officers attended the workshop		
6.1.2.4	Strengthen capacities of the 24/7 duty service for the needs of international operational police cooperation, in accordance with recommendations from the analysis See comment under 6.1.2.2 ¹⁰	Ministry of Interior (International Operational Police Cooperation Department, Head of the Information Management Division)	IV quarter of 2016	BUDGET (regular) – the transfer of the employees from other organisational unit (3): 9.000 EUR for the year 2016 36.000 EUR for the year 2017 36.000 EUR for the year 2018 TOTAL BUDGET (2016-2018): 81.000 EUR BUDGET(additional/the existing resources) - equipment TBD – IV	Classified workplaces in accordance with the Rulebook on Job Classification at the Ministry of the Interior filled on the basis of adequate recruitment	Employment agreements, the number of the messages exchanged through secure communication channels of INTERPOL and EUROPOL; the number of the data entered into the available databases	

				quarter 2016			
6.1.2.5	Extend INTERPOL services – establish the FIND system and integrate it with the existing police databases ¹¹	Ministry of the Interior (IT Department, International Operational Police Cooperation Department, Criminal Police Department, Traffic Police Department, Department for Administrative Affairs)	IV quarter of 2016	Donation: INTERPOL – software and equipment 20.000 EUR – obtained in the previous period	The FIND system extended	The number of INTERPOL system users	
6.1.2.6	Coordinate domestic and foreign police liaison police officers as one of police cooperation instruments ¹²	Ministry of the Interior; Bureau for International Cooperation and European Integration in cooperation	December 2015	BUDGET (regular) – 828 EUR for the year 2015	The existing structure of International Operational Police Cooperation Department reorganised and the Rulebook amended	Rulebook on the workplace of the coordinator for foreign and national liaison officers	

¹¹Searches both through national and INTERPOL databases have already been integrated through the national information border system.

¹²Operational procedures for cooperation of the Serbian police with foreign police officers in the Republic of Serbia, and operational procedures for operation of police officers of the Republic of Serbia abroad, will be part of the uniform Guidelines on International Operative Police Cooperation – link to activity 2.

		with International Operational Police Cooperation Department (Head of the Department)					
6.1.2.7	Adopt the new Instructions on Police Officers of the Republic of Serbia who are dispatched abroad	Ministry of the Interior, internal working group (chair of the working group) (Police Directorate, Cabinet, Bureau for International Cooperation and International Integration, International Operational Police Cooperation Department)	II quarter of 2016	BUDGET(regular) – 4.658 EUR – for the year 2016	The Instructions on Police Officers of the Republic of Serbia adopted; the procedure for the selection of Serbia’s police representatives amended; police authorisations for the issue of guidelines concerning work with police representatives defined	The Instructions on Police Officers of the Republic of Serbia	

6.1.2.8	Ensure the establishment of the <i>SIRENE Bureau</i> , with the aim of performing its role in the information data exchange with other EU member states 24/7 ¹³	Ministry of the Interior	Until and after the accession to the EU	BUDGET (regular) – the transfer of employees from other organisational units (4): 48.000EUR for the year 2018 Will be proposed for IPA2018 + Equipment	The existing structure of International Operational Police Cooperation Department reorganised; the <i>SIRENE Bureau established (instead of the Division for Normative-Legal Affairs and Other Forms of International Cooperation)</i> : exchange of information with other EU Member States 24/7	SIRENE Bureau established and operational	
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Comment [A106]: Something missing ? Not clear

Comment [A107]: It does mean 24 hours a day, seven days a week. It is a part of the text above.

6.1.3. RECOMMENDATION: 3	OVERALL RESULT	INDICATOR OF IMPACT
Strengthen human resources and the operational capacities to implement various instruments in the field of police cooperation, in particular	Adoption of the <i>acquis</i> in the field of police cooperation, the staff trained to validate requests and replies (information exchange) following a hit based	Efficient technical equipment of the single information system by the " hit/no hit " principle for automated exchange of DNA profiles, data on fingerprints and vehicle registration, along with

¹³Link to the Action Plan on Schengen.

the Prüm Treaty	on Prüm	simultaneous personal data protection. Strengthen human resources and technical capacities with a view to meeting the necessary preconditions for the application of Prüm Decision.
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEAD LINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.1.3.1	Conduct the analysis of the legislative and institutional framework, and technical equipment for automated exchange of DNA data, fingerprint data, and data on motor vehicle owners	Ministry of the Interior- chair of the working group (Criminal Police Department, Department for Administrative Affairs, IT Department)	December 2015	BUDGET(regular) 29.808 EUR for the year 2015 TAIEX –20.250 EUR for the year 2015	The analysis of situation developed; the report with recommendations prepared	Document on the analysis with the recommendations	
6.1.3.2	Analysis of the information system, aimed at ensuring technical adaptability for	Ministry of the Interior- chair of the working group (Criminal Police	December 2015 2016	Budget (regular) 29.808 EUR for the year 2015 TAIEX –20.250 EUR for the year 2015 2016	The analysis of situation developed; the report with recommendations	Document on the analysis, analysis report	

Comment [A108]: Why so early if operational capacity for implementing PRUM is foreseen at the end of 2019

Comment [A109]: Intention of the MOI was to have analyzed all necessary parts of the new system ASAP (Legislative, HR, hardware and software parts), especially last two, to know what will be main parts of the final IPA Project (6.1.3.4.) on the end and because of preparation of this Project Proposal. But this date was establish at 2014. EC is right and we will change this date in to December 2016.

	meeting the requirements from the <i>Prüm Decision (GAP/comparative analysis)</i>	Department, Department for Administrative Affairs, IT Department)			prepared		
6.1.3.3	Strengthening human resources and operational capacities to achieve the necessary preconditions for the implementation of the Prüm Decision (establishing technical preconditions on the entire territory of the Republic of Serbia for a valid use (forensic examination)) of material evidence relative to the data that will later be used in accordance with the Prüm Decision (fingerprints and	Ministry of the Interior – president of the working group (Criminal Police Directorate-National Forensic Center)	IV quarter of 2019, after that period and after joining the EU	Estimated amount is <u>7.880.000 EUR</u> <u>Estimated amount for IPA is 6.000.000 EUR</u> (Proposed for IPA 2016 and 2017- of bilateral agreement). IPA 2016 Works 3.400.000 EUR IPA 2017- 2.600.000 EUR Equipment. IPA 2017 Twinning Light 200.000 EUR. Swedish bilateral assistance (2016-2018) 1.000.000 EUR Nowergian bilateral assistance requested 680.000 EUR for the year 2016	The final report of the project with internal indicators drew up; the “chain” of custody” processing established; adopted procedures and sub-legal acts (Directives, Instructions)	The partial and final reports on the projects, equipment on the place, certificates of the trainings, partial MOI Reports; Adopted Minister’s legal acts Established procedures in accordance with the international standards;	

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	DNA).						
6.1.3.4	Implement recommendations of the analysis: develop the new Law on the DNA Register, propose amendments and supplements to other laws, prepare by-laws arising from the Law, define procedures for setting up the DNA register,	Ministry of the Interior- chair of the working group (Criminal Police Department, Department for Administrative Affairs, IT Department, Secretariat), in cooperation with bodies in charge of the adoption of the Law and public discussion	IV quarter of 2016 – preparation of the law proposal and amendments and supplements; II quarter of 2017 – preparation of the proposed by-laws and procedures; IV quarter of 2017 – setting up the DNA register; IV quarter of 2016 – completed accreditation	Proposal of the law BUDGET(regular)2.795 EUR for the year 2016 TAIEX6.750 EUR for the year 2016 Adoption of the Law Budget –40.008 EUR for the year 2016 By-laws: TAIEX –6.750 EUR	The draft proposal, amendments and supplements to the Law prepared; the draft text of the proposed by-law developed; the Law on DNA adopted; the decree implementing the Prüm Decision adopted; relevant	Official Gazette of the Republic of Serbia, Document with adopted procedures, reports of the Ministry of Interior, ATS certificate	

¹⁴ in accordance with the **COUNCIL FRAMEWORK DECISION 2009/905/JHA, Council conclusions on the vision for European Forensic Science 2020 including the creation of a European Forensic Science Area and the development of forensic science infrastructure in Europe**, 3135th JUSTICE and HOME AFFAIRS Council meeting, Brussels, 13 and 14 December 2011, **THE STOCKHOLM PROGRAMME — AN OPEN AND SECURE EUROPE SERVING AND PROTECTING CITIZENS**, (2010/C 115/01) and international standards ISO 17025, ISO 17020, ILAC G-19 etc.

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	<p>setting up the DNA register, perform accreditation of the DNA laboratory of the Ministry of the Interior with ISO standard 17025 compared to new procedures, and adopted law;</p> <p>Prepare a regulation (decree implementing the <i>Prüm Decision</i>)</p> <p>Similar action is required for fingerprint data files and motor vehicles (according activities 6.1.3.1.1 and 2.) Assumedly, similar action is required for fingerprint data files (to be</p>	<p>about the Draft Law; in cooperation with the Ministry of Justice and Ministry of Healthcare</p>	<p>IPA project - hardware – after 2018</p>	<p>for the year 2017</p> <p>BUDGET (regular) 2.532 EUR for the year 2017</p> <p>Drafting of acts and procedures: TAIEX study visit: 15.000 EUR for the year 2017</p> <p>Defining procedures for setting up the DNA register: BUDGET (regular) – 33.120 EUR for the year 2017</p> <p>BUDGET (regular) for the year 2014</p> <p>Accreditation –5.000 EUR</p> <p>BUDGET(Additionally) – upgrade method</p> <ul style="list-style-type: none"> – 2.000 EUR for the year 2015 – 1.500 EUR for the year 2016 	<p>internal procedures adopted;</p> <p>the DNA register set up and the contact point for the exchange of additional information after hits in DNA databases or fingertips or data on motor vehicle registration defined, certificate on ATS accreditation</p>		
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	clarified)			<p>– 1.500 EUR for the year 2017</p> <p>Certificate: 2018 – 5.000 EUR for re-accreditation</p> <p>Proposed for IPA 2016 and 20172018) project - hardware– DNA, fingerprints, motor vehicles – assessment of required funds – 4.800.000 EUR in total /EU Bilateral agreement/other donors</p>			
6.1.3.5	Implement recommendations of the analysis: develop applicative solutions	Ministry of the Interior- chair of the working group (Criminal Police Department, Department for Administrative Affairs, IT Department, Secretariat)	until EU accession	TBD (NOTE: already covered- see funds/ source of financing, activity 6.1.3.4)	<p>Selection of one Member State per data type acting as a supporting partner for the implementation</p> <p>Equipment and software procured and put in operation; technical preconditions</p>	Project documents	

					established for recording queries to the national database of fingertips, vehicle registration and DNA; recording queries about completed checks in the database; recording hits; identified contact points for DNA, fingerprints; identified a contact point for the exchange of additional information upon hits for DNA and fingerprints (SPOC); identified a contact point for the exchange of data in relation to motor vehicles owners upon a hit (SPOC)		
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6.1.3.6	Implement recommendations of the analysis: improve training capacities	Ministry of the Interior- chair of the working group (Criminal Police Department, Department for Administrative Affairs, IT Department, Secretariat)	I quarter of 2016	TAIEX experts 20.250 EUR for the year 2016 TAIEX workshop 8.850 EUR for the year 2016 TAIEX visits - 18.000 EUR for the year 2016 TAIEX total - 47.100 EUR	The training plan in relation to DNA, fingertips and motor vehicle registration developed, adopted and implemented; 120 persons trained (40 from each field)	Document of the training plan, certificates, reports of the Ministry of Interior	
6.1.3.7	In relation to the development of the Guidelines on International Operational Police Cooperation ¹⁵ , define operational procedures for data exchange in regard to: 1. public order 2. terrorism 3. implementation	Ministry of the Interior (International Operational Police Cooperation Department, Criminal Police Department, Border Police Department, IT Department, Department for Public Peace and	continuous (in accordance with new requirements covered by EU instruments; the Guidelines will be supplemented)	Costs of this activity are expressed through application of the Swedish Initiative, activity 6.1.2.2.	Procedures for information exchange in accordance with the Council Decision (2008/615/JHA and 2008/616/JHA of 23 June 2008) defined	Text of the Guidelines	

¹⁵Link to activity 2 within recommendation 2.

	<p>of joint operations 4. other forms of cross-border cooperation NOTE: These procedures are part of a uniform procedure for international police cooperation to be incorporated in the single Guidelines on international operational cooperation. Developing these Guidelines is a special activity within the objective; implementation of the Swedish Initiative</p>	<p>Order, Security Department, and other, when needed); underway is the establishment of the working group at the level of the Ministry of Interior, upon the initiative of International Operational Police Cooperation Department</p>					
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6.1.4. RECOMMENDATION: 4	OVERALL RESULT	INDICATOR OF IMPACT
Implement the Action Plan for the Fight Against Violence and Misbehaviour at Sports Events, and participate in cooperation on issues such as security of football matches, vehicle crime, and the protection of public figures	Harmonisation with EU instruments in the field of police cooperation	Ensured joint approach and cooperation of law enforcement authorities in the fields such as safety at football matches, vehicle crime and protection of public figures ¹⁶¹⁷

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.1.4.1	Define procedures for automated simultaneous checks of the national, SIS and INTERPOL databases of stolen motor vehicles (prepare the new instruction on the	Ministry of the Interior (Criminal Police Department, IT Department, Department for Administrative Affairs, International Operational Police Cooperation	IV quarter 2016	BUDGET (regular) 3.726 EUR for the year 2016 TAIEX visit –3.000 EUR for the year 2016	Guidelines for international operational police cooperation; user passwords allocated to members of other organisational	New work instructions (the internal document of the Ministry of the Interior as part of the Guidelines for International Operational Police Cooperation) See 6.1.2.2.	

¹⁶In accordance with the EC recommendation.

¹⁷In accordance with the National Strategy for the Fight Against Violence and Misbehaviour at Sports Events (2013–2018).

	method of verifying whether a vehicle was stolen abroad; define procedures and the working methodology for the exchange of additional information following a hit – define rights and obligations) ¹⁸	Department)		TAIEX workshop + expert –5.700 EUR for the year 2016	units of the Ministry of the Interior		
6.1.4.2	Upgrade the national information system of the Ministry of the Interior (JIS) for the purpose of automated synchronisation of the national and Schengen/INTERPOL database on	Ministry of the Interior of the Republic of Serbia (IT Department, International Operational Police Cooperation Department; Criminal Police Department)	According to the agreement within the Ministry of the Interior, for Schengen – SIS, following EU accession	TBD	Number of automated entries and cancellations of passenger motor vehicles in the INTERPOL and SIS II database; number of found passenger	Report on the statistics from the INTERPOL and Schengen system	

¹⁸As already specified under previous objectives, the Guidelines for International Operative Police Cooperation will contain all individual operative procedures relating to international operative police cooperation.

	stolen motor vehicles in entry/cancellation of stolen motor vehicles				motor vehicles, based on searches for stolen passenger motor vehicles in the country and abroad		
6.1.4.3	Define the procedure and methodology for the withdrawal and cancellation of vehicle registration licenses and vehicle registration plates in cases of fake chassis numbers of passenger motor vehicles and total damage to vehicles; amend the Rulebook on Registration of Motor Vehicles and Trailers ;	Ministry of the Interior (Department for Administrative Affairs; IT Department; Criminal Police Department; International Operational Police Cooperation Department)	I quarter of 2016	BUDGET (regular) 3.726 EUR for the year2016	The document defining procedures for automated withdrawal and cancellation of vehicle documents and vehicle registration plates in cases of fake chassis numbers of passenger motor vehicles; amended Criminal code in relation to the unauthorised	Rulebook on the registration of motor vehicles and trailers	

					use of another person's vehicle, production, procurement and possession of means intended for commission of criminal offences;		
6.1.4.4	Draft a proposal for amendment to the Criminal Code Law	Ministry of the Interior Criminal Police Department;	I quarter of 2016	BUDGET	Amendments to Criminal Code Law adopted (new criminal offences related to motor vehicle crime foreseen)	RS Official Gazette	
6.1.4.5	Strengthening capacities and upgrading human resources of the competent police organisational units for combating international vehicle trafficking (connection to the Decision	Ministry of the Interior (Criminal Police Department, Service for Combating Organised Crime, Service for Combating Crime; International Operational Police Cooperation	1. December 2014 2. December 2014 3. March 4. June 2015 5. June 2015	1. OSCE workshop the activity 6.1.4.5. was realized 2. TAIEX workshop (30 police officers, 3 working days, 3 experts) 3. TAIEX Study Visit - 3 police officer, 3	1. The total of 30 state officers trained 2. At least 30 police officers trained 3. Trained staff	Reports on trainings	

Comment [A110]: the activity 6.1.4.5. was realized

	919/2003) as well as customs, prosecutors' offices through mutual cooperation and inclusion of the private sector	Department)		<p>days, Italy</p> <p>4. TAIEX workshop and experts (3 working days, 3 experts, 60 police officers)</p> <p>5. TAIEX workshop (20 police officers, 3 working days, 3 experts)</p>	<p>4. the number of trained police officers (60);</p> <p>5. -20 state officers trained;</p>		
6.1.4.65	Implementation of the National Action Plan (2013-2018) for the Fight Against Violence and Misbehaviour at Sports Events ¹⁹	Government action team in charge of development and implementation of the Strategy and Action Plan for the Fight Against Violence and Misbehaviour at Sports Events; the National Council for Prevention of Violence and	Continuously	<p>BUDGET(regular) – “Government action team – following”</p> <p>5.900 EUR for the year 2014</p> <p>5.900 EUR for the year 2015</p> <p>5.900 EUR for the year 2016</p> <p>5.900 EUR for the year 2017</p>	The level of implemented activities defined by Action plan	<p>Annual report on implementation of Action plan;</p> <p>The National Council for Prevention of Violence and Misbehaviour at Sports Events assessment of the success of the implementation of The tasks from the Action Plan</p>	

¹⁹In accordance with the National Strategy for the Fight Against Violence and Misbehaviour at Sports Events (2013–2018).

		Misbehaviour at Sports Events		5.900 EUR for the year 2018 TOTAL BUDGET: 29.500 EUR Budget (regular) – “National Council – assessment” 1.863 EUR for the year 2014 1.863 EUR for the year 2015 1.863 EUR for the year 2016 1.863 EUR for the year 2017 1.863 EUR for the year 2018 TOTAL BUDGET: 9.315 EUR			
6.1.4.76	Monitoring and	the Government	December	BUDGET(regular) –	The National	Evaluation report	

Comment [A111]: Please insert findings of the taix mission on monitoring and preventing violence at sporting events. - JHA IND/EXP 57913, Belgrade, 21/04/2015 - 23/04/2015

Comment [A112]: The next text will be added to the „clean one“ as a part of Police cooperation/current play section: During the period 21 – 23 April 2015, the Ministry of Interior of the Republic of Serbia, with the participation of two experts from the Ministry of Interior of the Kingdom of Spain, realized an Expert Mission titled „Analysis and development of material and technical equipment of organizational units of the Ministry, which are engaged in the duties of monitoring and preventing violence at sports events“. The Expert Mission was realized with the support of the TAIEX Office.

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	evaluation of activities defined by the National Action Plan for the Fight Against Violence and Misbehaviour at Sports Events	Action Team for the development and implementation of the strategy and the National Action Plan for the Fight Against Violence and Misbehaviour at Sports Events, TAIEX independent expert	2015	<p>“Government action team – redefining”</p> <p>5.900 EUR for the year 2014</p> <p>5.900 EUR for the year 2015</p> <p>5.900 EUR for the year 2016</p> <p>5.900 EUR for the year 2017</p> <p>5.900 EUR for the year 2018</p> <p>TAIEX 5.500 EUR</p> <p>TOTAL BUDGET: 35.000 EUR</p>	Action Plan for the Fight Against Violence and Misbehaviour at Sports Events revised accordingly, review of the TAIEX expert	drafted by the Government Action Team and the TAIEX expert	
6.1.4.87	Strengthen capacities of the National Football Information Point (NFIP) by training its officers and participation in the work of international	Ministry of the Interior; Department for Monitoring and Preventing Violence at Sports Events , Gendarmerie, Local Police Departments	From December 2015	<ol style="list-style-type: none"> 1. TAIEX Workshop + experts 13.400 EUR 2. TAIEX study visits 6.000 EUR 3. BUDGET - (a 	1. Already established as the National Football Information Point and operational; number of trained police	Document on the systematization of work posts within the Ministry of the Interior ; Reports on trainings	

Comment [A113]: TAIEX expert mission JHA IND / EXP 57913, entitled „Analysis of material and technical equipment of organizational units for prevention of violence at sports events“ represents the realization of tasks „Analysis of the state of material and technical equipment of the organizational units of the Ministry of Interior which perform duties related to the prevention of violence at sports events“, envisaged by the Plan of Activities of the Ministry of Interior for the implementation of the activity 3.3, „Improved material and technical capacities of the state administration and judicial bodies“ from the Action Plan of the National Strategy to combat violence and misbehavior at sports events for the period 2013-2018.

The main objective of the Expert Mission was to develop the analysis of the current situation in terms of material and technical equipment, with the conclusions and proposals for improving the existing capacities of the organizational units of the Ministry engaged in the duties of monitoring and prevention of violence at sports events.

By bringing together the results of the Analysis of the material and technical equipment and the conclusions and proposals which are contained in the report of the experts, the preparation of the Proposal of material and technical equipping will start.

Conclusions from the report of the experts regarding training and additional measures will be implemented through the realization of other activities within the Strategic area “Increasing the capacity of state bodies and sports organizations to combat violence and misbehavior at sports events“ and „Improvement of infrastructure and management of sports objects“ through the TAIEX instruments.

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	working bodies in the field of the fight against violence and misbehaviour at sports events ²⁰²¹			meeting at the Council of Europe) 1.535 EUR 4. BUDGET(the meeting – UEFA) 592 EUR continuous	officers, number of study visits and the report on the meetings.		
6.1.4.98	Strengthen capacities of the National Contact Point for the protection of public figures, by training its officers ²²	Ministry of the Interior; Security Department	December 2015 and following EU accession	TAIEX workshops + experts 12.900 EUR for the year 2015 TAIEX visits 6.000 EUR for the year 2015	Number of training sessions and the number of trained police officers	Reports on trainings	

²⁰In accordance with the EC recommendation.

²¹Creation and activities of the NFIP already covered by the National Strategy.

²²In accordance with the EC recommendation.

6.1.5. RECOMMENDATION: 5	OVERALL RESULT	INDICATOR OF IMPACT
Active participation in the CEPOL through implementation of the Cooperation Agreement	Exchange of experiences and good police practice in the EU	Joint training, curricula harmonised and reports of police officers who participated in training-exchange programmes

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.1.5.1	Sign the working arrangement with the CEPOL, Council Decision 2005/681/JHA	Ministry of the Interior: Bureau for International Cooperation and European Integration, Sector for Finance, Human Resources and Joint Affairs – Department for Education, Professional Training, Development and Science	June of 2015	BUDGET (regular) 40.008 EUR	Text of the proposed arrangement submitted to the National Assembly for adoption	Official Gazette RS	

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6.1.5.2	Implementation of the Agreement signed with CEPOL	Ministry of the Interior; Police Directorate, Bureau for International Cooperation and European Integration, Sector for Finance, Human Resources and Common Affairs, Department for Professional Training, Education, Development and Science	continuing	<p>BUDGET (regular) (15 police officers – when TAIEX covers all costs)</p> <p>TAIEX expert – 2.250 EUR for the the year 2015</p> <p>TAIEX workshop 1.700 for the year 2015</p> <p>TOTAL TAIEX 3.950 EUR for the year 2015</p>	<p>The number of trainings carried out and the number of trained police officers in accordance with the CEPOL programme ,</p> <p>participation in the European exchange programme (through the electronic network</p> <p>e-Net, seminars, workshops, exchange of experience and knowledge in areas of mutual interest and in other forms of training)</p>	<p>Reports on trainings, workshops and number of participants in the European programme exchange</p>	
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6. Police cooperation and fight against organised crime

6.2. Fight against organised crime

Current state of play

The Republic of Serbia has strengthened its legal and institutional framework in the fight against organized crime. However, it is necessary to continue work on the harmonization of legislation to enhance efficiency and proactive approach in detection and prosecution of organized crime. Essential in combating organized crime is to improve the efficiency of relevant institutions, record keeping, exchange of information at a national and international level, and to further promote regional and international cooperation through regional and international projects.

Legal framework

The legal framework relating to the fight against organized crime, besides the Constitution of the Republic of Serbia, is contained primarily in the following laws: the Criminal Code, the Criminal Procedure Code, the Law on Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Corruption and other particularly serious crimes, the Law on the basic structure of security services of the Republic of Serbia, the Law on Police, the Law on the Security Information Agency, Law on Military Security and Military Intelligence Agency, the Law on the Protection of Participants in criminal Procedure , the Law on Seizure and Confiscation of the Proceeds from Crime and Law on Classified Information.

The institutions responsible for the fight against organized crime are the Department for Combating Organized Crime in the Ministry of Internal Affairs of the Republic of Serbia, the Prosecutor's Office for Organized Crime and the Special departments in the High Court in Belgrade and the Appellate Court in Belgrade.

The detection and investigation of organized crime is in the jurisdiction of the Ministry of Interior, the Department for Combating Organized Crime, but also

other state organs such as the Security Information Agency, Military Security Agency, customs and tax authorities and other state organs.

The criminal prosecution for organized crime is within the competence the Prosecutor's Office for Organized Crime (POOC) and for the trial in the first instance is competent Higher Court in Belgrade (Special Department) and for trial in the second instance is competent Appellate Court in Belgrade (Special department). The jurisdiction of the mentioned authorities in combating organized crime refers to the entire territory of the Republic of Serbia.

In the new Criminal Procedure Code (introduced in 2012) the public prosecutor is in charge of in pre-trial investigation and investigation. He manages the pre-trial proceedings, and the investigation is initiated by the order of the public prosecutor.

The procedure for seizing and confiscation of proceeds from crime includes financial investigation, seizure and asset management of the proceeds from crime of natural and legal persons. Responsible for financial investigations are the Financial Investigation Unit in the Ministry of Internal Affairs and the Prosecutor's Office for Organized Crime. In accordance with the Law on Seizure and Confiscation of the Proceeds from Crime after conducting financial investigations it is possible to carry out the temporary and permanent confiscation of assets derived from crime on the basis of the court's decisions.

A financial investigation is initiated by the order of the prosecutor who is also managing the financial investigation. In almost every organized crime case initiated by the Prosecutor's Office for Organized crime financial investigations are conducted in parallel with criminal investigations. However, there is also a need to involve Financial Investigation Unit of the Ministry of Interior in all preliminary investigations in order to be more proactive and efficient. Inter-agency cooperation in combating organized crime between different state organs takes place on the basis of existing legal provisions. However, inter-agency cooperation will be improved if a platform for communication will be established between the different agencies and automated exchange of data on perpetrators of organized crime criminal offenses will be possible.

The prosecution service and the police

The Prosecutor's Office for Organized Crime has a total of 66 employees: the Prosecutor for Organized Crime, 18 Deputy Prosecutors, 19 assistants of the prosecutors and 28 administrative and technical staff. Although organizational capacity is provided for 25 deputy prosecutors, 7 positions are not fulfilled, due to lack of budget.

The current number of employees is not sufficient to conduct its activities, especially having in mind complexity of organized crime cases. The new responsibilities given to the Serbian prosecution and the emergence of new forms of complex organized crime and high-level corruption cases require a rigorous and timely exchange of data between the relevant institutions at both national and international level. The resulting additional workload for the POOC staff needs an increase in both financial and human resources as well as a modern information and case management IT system (CMS) to conduct efficient

investigations.

As for equipment, the POOC can be said to be at an intermediate level. It is currently using MEGA Libra case management system, which was introduced in 2004 but this system is out of maintenance since 2009. This system has a number of failings: It does not provide any functions to search content in documents; It has poor possibilities for statistical/track records reporting and no possibilities for analytical work; In general the OS software is obsolete.

The improvement of the existing analytical-operational methods has been also recognized as a priority in the National Strategy for combating Organized Crime adopted in 2009 which has expired in 2014.

Therefore, POOC, with the OSCE Mission's support, started implementation of the project "*Improving the Special Prosecutor's Office for Organized Crime capacities to conduct efficient investigations through the use of a highly efficient case management system and enhanced regional cooperation*". The aim of this project is to improve capacities of the POOC for conducting investigation in more efficient manner by introducing highly efficient and specialized case management and information system SIDDA/SIDNA, adjusted to Serbian legal framework and practice, as well as through promotion of regional and domestic exchange of data and evidences.

The ~~funding of the new~~ case management system of the POOC, ~~whose development is underway, as 30% of its funding~~ has been secured ~~and implementation and trainings are already taking place, while the remaining 70% of funding still needs to be raised by the Ministry of Justice from international development assistance/ donations.~~ It is planned to be used for the monitoring of cases, making statistics of the Prosecutor's Office and preservation of documents, as well as for analytical processing of all records contained in the documents of the prosecution case. It offers also a business intelligence (BI) system that regular CMS does not provide. One of the major advantages of this system is the possibility to install a visual investigative analysis module which facilitates the analysis of complex criminal activities and the detection of links between cases. It is also planned to make POOC's case management and IT system in future interoperable with data bases of other institutions involved in fight against organized crime At an advanced stage such case management and information system of high performance can be a gateway for exchanging data with other countries with the objective of having an integrated system of information exchange in the region and Eurojust in the longer term.

The Ministry of Interior, Police Directorate, Department for Combating Organized Crime (DCOC) has a total of 214 employees from 280 jobs and therefore a lack of capacity. This is caused by financial constraints.

The terms of recruitment are defined within the systematization of working positions of the MoI, where special focus is on working experience and education. Police officers recruited for Service for Combating Organized Crime are predominantly recruited internally, i.e. staff already working for the MoI or other state

authorities (mostly law enforcement agencies). This method provides for a selection based on experience, competencies and merits.

Not only is the police lacking capacity in personnel, the organization also needs to overcome a fragmented approach on gathering and sharing information (including underlying IT needs). The fight on organized crime further demands more specialization to be realized through trainings and additional equipment. This specialization will necessarily lead to changes within the structure of the police organization, which are already being prepared.

Proactive investigations

The National Strategy for Combating Organized Crime defines as one of its goals the development of a proactive approach in the fight against organized crime, which is then elaborated through individual actions in the Action Plan for the implementation of this strategy.

The vast majority of the investigations of the POOC and the DCOC over the last 5 years have been proactive and aimed at the organized crime gangs which are active in Serbia, the region and also Western Europe.

The POOC has initiated investigations against 128 persons in the period from January 1, 2014 to October 31, 2014, out of which against 91 persons the investigation was proactive. This means that more than 70% of investigations of organized crime cases are proactive. However the POOC received 24 privatization cases in 2012 to deal with it as a priority. These investigations are – by their very nature – not proactive, but have taken and will take up a considerable amount of capacity.

Proactive investigations are, according to the definition laid down by the Republic Public Prosecutor, investigations conducted prior to or during the period in which the criminal offense will be committed. This term refers to the preliminary investigation and the investigation as a stage of a criminal proceeding. The investigation is started on the initiative of the prosecutor or police and can be based on e.g. intelligence, results of evidentiary actions in other investigations, media reports or reports of government institutions or non-governmental organizations.

In order to establish uniform practices and keep records, the Republic Public Prosecutor on 20 January 2014 has brought an instruction which defines proactive investigations. In the public prosecutor's offices from 2014 there are now also special records on proactive investigations in the relevant registers labeled by reference "PRI" together with a regular reference items.

Financial investigations

[Recognizing that it](#) is necessary to further improve performance in financial investigations by strengthening the capacity of the competent authorities to conduct complex financial investigations in parallel with criminal investigations, [the Republic of Serbia adopted the Financial Investigations Strategy from](#)

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2015 through 2016. The Action Plan for this strategy has been drafted and is in a process of being approved. Also, a comparative legal analysis on efficient mechanisms for seizure and confiscation of assets has been prepared and all recommendation will be incorporated in the Law on Amendments and Supplements to the Law on the Seizure and Confiscation of the Proceeds from Crime is in the process of being drafted.

The total level of seized assets acquired through criminal offences is still low. The institution of an Asset Recovery Office will facilitate an improvement in this field. Since tracing of assets is also connected to the international judicial cooperation in Serbia opts for an ARO with one or possible more components: the financial investigation unit in Ministry of Interior, the Directorate for the Management of Seized and Confiscated assets within Ministry of Justice or unit in other institution etc. But, first of all, an analysis and needs assessment for capacity development regarding ARO functions will be conducted.

Apart from the harmonization of the laws, specialized trainings are needed and more coordination between institutions plus adequate budgetary resources in each segment.

The future

To improve the number and quality of the criminal and financial investigations there should be an increase in capacity within the POOC and the DCOC, as described in the activities, but also a better cooperation with other institutions involved in the fight against organized crime is necessary. Part of the activities will be aimed at a better cooperation, integration and an improvement of the flow of information.

Better use will be made of the combination between the criminal and the financial investigation. The establishment of an Asset Recovery Office will also improve the track record on assets seizure and forfeiture.

Moreover a new law/instruction is being designed, which makes it obligatory to prepare a data on assets of suspect and connected person gathered through pre-investigative proceedings on the subject of the investigation until the moment to submit criminal charges to the prosecutor. This law/instruction will lead to more financial investigations parallel to the criminal investigation.

A programmatic approach of organized crime

The fight against organized crime is not a matter of the police and the public prosecution alone. Investigation and prosecution of individuals and/or criminal groups are one side of the coin. Other (state) institutions will have to take up their position in prevention and/or other measures to protect society against organized crime, such as financial institutions, etc.

Reality is also that the police and prosecution will (despite an increase in capacity) still need to make choices and prioritize in the fight against organized

Comment [A114]: Will this law include also measures facilitating access to financial information if not a separate measure needs to be envisaged that would take into account this aspect (see recommendation from the Screening report p.26)

crime. The SOCTA analysis will facilitate this process. The SOCTA will be the basis for a (3 or 4 year) investigative plan to be decided by the POOC and DCOC on topics to be tackled, such as THB and/or fire arms trafficking, and the specific criminal groups to be investigated. Not only will the plan be leading in the selection and prioritization of investigations, it will also lead to commitment on both the POOC and DCOC on the number of investigations and prosecutions.

The outcome of the investigations should also lead to reports to and contacts with institutions on a state level or within society to point out weaknesses or vacuums in their organizations or rules which facilitate organized crime. Only then the fight against organized crime can and will be effective.

Administration for the Prevention of Money Laundering– FIU (Financial Intelligence Unit)

Serbia is party to all relevant United Nations and Council of Europe conventions on money laundering and terrorism financing. Its anti-money laundering and countering the financing of terrorism (AML/CFT) legislative framework also transposes the relevant European Union AML/CFT legislation, including the Third Anti-Money Laundering Directive (AMLD). Regarding international co-operation in the field of prevention and fight against money laundering, Serbia's legal framework is aligned with the Council Decision (2000/642/JHA) concerning arrangements between financial intelligence units of the Member States in respect of exchanging information. Serbia has an institutional AML/CFT framework in place.

Serbia has established a Financial Intelligence Unit (FIU) within the Ministry of Finance (Egmont Group member). Serbia is also a member of the Committee of Experts on the Evaluation of Anti-Money Laundering Measures and the Financing of Terrorism (MoneyVal). Concerning the compliance with FATF Recommendations, Serbia has made progress, since the last MoneyVal Mutual Evaluation Report in 2009, as noted in MoneyVal's 2010 and 2012 progress reports on Serbia and has been proactive in implementing new FATF recommendations, including Recommendation 1 on national risk assessment.

Serbia has also adopted a National Strategy Against Money Laundering and Terrorism Financing and Action Plan on 31.12.2014, (National AML/CFT Strategy), guided by the outcome of Serbia's National AML/CFT Risk Assessments and by the intermediate and immediate objectives of the reviewed 2012 FATF Recommendations.

Asset forfeiture - Ministry of Interior Financial Investigation Unit

The Financial Investigations Unit is based on the Law on Seizure of Property Derived from Criminal Act from 1.6.2009. Based on this Law specialized organizational unit of MoI detects property derived from criminal act and performs other tasks in accordance with the Law. The Unit has two Departments (Department for financial investigations in organized crime cases and Department for planning and coordination of financial investigations). The Unit has 10 Sections within the second mentioned Department covering the whole territory of Republic of Serbia. The total number of systematized work positions is 105, but currently only 62 work positions are fulfilled in view of reorganization plans within the police. Police officers of the Financial Investigations Unit are

almost always included in criminal investigations on organized crime. Starting from the current competencies of the unit in the forthcoming period the unit will also be tasked to perform tasks of ARO within the Ministry of Interior.

Intelligence-led policing

The Ministry of Interior of the Republic of Serbia is continually conducting activities relating to the development of organizational, legal, administrative and technical capacities needed for the implementation the ILP model. The organizational structure of the MoI of the Republic of Serbia consists of the following units relevant to ILP: a Service for Criminal Intelligence Affairs and Undercover Investigators, which are responsible for collecting, processing and analyzing information and for creating intelligence focussed organized crime; a Service for Criminal Analysis, which is responsible for processing and analysis of data in criminal investigations, as well as other units which, to a certain extent, are also engage in intelligence work. Regarding the development of human resources, the number of police officers trained so far as informant controller and handler instructors and as instructors in the analysis methods OIAT and ANALYST NOTEBOOK is sufficient. As for a unique MoI information system, it has been developed (databases on crimes and offenders, persons, vehicles, weapons, persons, misdemeanors, state border crossings, etc.), together with a unique database on criminal investigations, a unique daily events database and other databases. The MoI IT Directorate acts as the administrator of these databases (with the exception of the database on criminal investigations).

In order to establish an effective, efficient and cost-effective ILP model, the MoI of the Republic of Serbia has recognized the following needs: to unify all criminal intelligence jobs functionally and organizationally; to set up the ILP model on all three levels (national, regional, local); to create management and leading groups on the strategic and operational levels. Also a more precise legal framework needs to be developed for the current databases and integrate into one system; to create sustainable training systems; to set standards and develop procedures; to build the capacity for devising strategic and operational assessments and plans and for intelligence-based decision-making.

The MoI of the Republic of Serbia and the Swedish National Police Board are implementing a project entitled "The Development of the Intelligence-Led Policing Model in the MoI of Serbia (2011-2014)". Part of of this project is a pilot project introducing the ILP model in the regional police directorates of Novi Sad and Kraljevo. Numerous activities have been completed as part of the project, two of which stand out in terms of importance: a Baseline Study, whereby the current situation in all relevant areas has been established, and a GAP Analysis which has shown the difference between the Swedish ILP reference model and the intelligence and operational police work in practice in Serbia. A continuation of the collaboration between Serbia and Sweden on the development of the ILP model is planned and the MoI of Serbia has already submitted an official proposal/ to the Swedish police for the realization of the new project. The objectives of the activities planned for the next period are all directed at further strengthening institutional, legal, administrative and technical capacities in order to be able to fully implement the ILP model.

SOCTA Serious and Organized Crime Threat Assessment

Comment [A115]: The project is finalized ?

Comment [A116]: The implementation of the project is still on-going. The project is expected to be completed by the end of 2015. Also, a new project was approved, as a continuation of this project, for the period 2016-2018.

The Republic of Serbia adopted a Strategy for combating organized crime covering 2009-2014. However it does not have a Serious and Organized Crime Threat Assessment conducted upon EUROPOL methodology. Understanding the importance of this document, the Directorate of Criminal Police this year started a project (2014-2016) with the OSCE Mission in Belgrade which will result in the "Threat Assessment of Organized Crime on National Level" SOCTA report, which will serve for establishing security risks and setting priorities in police work. [Within this project, training modules 3 and 4 for SOCTA team were implemented in February and June 2015. Also, the plan for drafting the first national serious and organised crime threat assessment \(SOCTA\) was defined.](#)

Having in mind that EUROPOL is included as a partner in this project, its representatives will be engaged as mentors in drafting of the above-mentioned report. Activities preparatory steps to implement the Guidelines on Recording, Classification and Monitoring of Organised Criminal Groups in the Republic of Serbia through presentations for employees were undertaken. A team has been selected for SOCTA analysis. Two trainings modules are finished in 2014.

The POOC realizes the potential of a SOCTA analysis and ILP policing. It therefore chooses to wait for the outcome of the analysis before designing a new Strategy for combating organized crime. Although the present Strategy expired in 2014, it will remain the basis for decision-making in this matter since not all its goals have been met.

One of the outcomes of the public debate on the action on chapter 24 is that a general version of the outcome of the SOCTA analysis will be published.

Criminal Intelligence System (KOS)

The Criminal Intelligence System (KOS), a project of the Ministry of Interior of Republic of Serbia and Swedish National Police Board, was launched in 2005. The project was carried out in the areas of data collection and analysis, and work with operational links. By 2008, some of the phases related to the development and improvement of organizational units of KOS and Ministry were implemented. Bearing in mind that the project was not fully implemented, we are working through a new project Adoption of Intelligence Lead Policing (ILP) as a future model of the General Police Directorate. It is planned that in accordance with the recommendation of the European Commission a single platform will be established that will enable the secure exchange of information and joint action. This will be regulated by Laws and by protocols for cooperation between the competent institutions.

The Ministry of Interior of the Republic of Serbia (has already implemented the *Joint Information System (JIS)* covering all areas of the Ministry's scope, with a significant number of crime-related information and data stored in databases and in use for operational activities. JIS is a centralized system, which means that entering the data and usage are available throughout the whole territory of the Republic and all organizational units of the MOI.

The legal framework for keeping and using information and data is the Law on Police and other special laws. Access to information system and the data contained in electronic records is gained in accordance with the assigned access rights and user access which determine whether the data can only be watched, and / or entered, and updated. Access is gained by using passwords and codes, as well as by smart cards. The use of eID smart card and digital signature

mechanism is integrated in some applications. The access system also allows tracking of time, used data sets (entered, edited or screened) and persons who use that data/information from the system.

In previous period MoI work on building capacities for electronic exchange of data and information with other state authorities, until now it is provided only via a network of state authorities as a special communications network, which covering territory of the Belgrade City, and based on using web services technology. The exchange of data and information is also carried out in other ways by applying all necessary measures of data and information protection (e.g. by using data an encryption system on removable media).

Further development of *a safe platform for communicating between law enforcement bodies* have to be directed to provide more efficient coordination and collaboration of all the authorities responsible for the effective operation in the fight against organized and other forms of crime. Planed activities should performed in adjustment normative framework involves also simultaneous development of ICT infrastructure with respect to all safety standards and data protection. Bearing in mind that the ICT infrastructure should ensure the continuity of the work and a high degree of availability, it is necessary to plan and implement extra resources for the purpose of overcoming failures in work, as well as apply appropriate standards applicable to the management of critical information infrastructures at EU level.

Statistics

The data contained in the automated records of the Ministry of Interior are statistically processed within the JIS on a monthly and cumulative basis (considering work areas, public safety and territorial principle, starting from the lowest organizational territorial units - police stations across police directorate to the MOI as a whole).

In the Republic of Serbia, the police, prosecution and courts use different systems, according their responsibilities, for recording criminal cases. The police keep statistical records according to the number of reported crimes; the prosecution according to the number of reported persons; whereas the court statistics are kept according to the number of court cases.

In order to improve *the collection of unified crime statistics* should perform activities needed to aadopt and implement the methodology of statistical collecting monitoring, and reporting on criminal offences (**track records**) of organised crime among all institutions in charge of fight against organised crime.

Intelligence services in the criminal investigation

Data retention in the Republic of Serbia is harmonized with the best practice of the European Union countries. There are no mandatory standards regulating lawful interception of electronic communications in the European Union. Access to retained data and lawful interception of electronic communications in the Republic of Serbia is possible only based on court decision and it is time-constrained.

There are two separate systems of access to the retained data and lawful interception of electronic communications in the Republic of Serbia, which differ both in terms of legal basis and purposes for which results of this method are intended: 1. For the purpose of protection of national security (results cannot be used directly as evidence in criminal proceedings) and 2. For the purpose of prevention, detection and evidencing of criminal offences, based on the Criminal Procedure Code and results can be used directly as evidence in criminal proceeding. The duration is limited to 12 (twelve) months at most.

Competent authorities are: Police, Security Information Agency (BIA) and Military Security Agency (VBA). The Police and VBA access the retained data completely individually and independently from the monitoring center within BIA-

Currently, the Republic of Serbia has no material resources that would enable the existence of two or more separate monitoring centers for electronic communications interception.

The Action Plan envisages analyzing the role and practice of security services and police in implementation of certain special investigative measures in the phase of criminal investigation, which would be completed by the end of December 2015. The analysis will be compared with the EU acquis, including the latest legal developments on Directive 2006/24/EC of the European Parliament and of the Council (data retention).

Trafficking in human beings

Current state of play

Within the public prosecution office, a specialization for prosecution of trafficking in human beings was made, by appointing contact points for trafficking in human beings cases at all Higher Public Prosecution Offices in Serbia (25). These specialized prosecutors attended a series of trainings on topics relevant for trafficking in human beings, Further more; the Republic Public Prosecutor's Office of Serbia was the first in the region to sign an MoU with CSOs providing legal representation, victims support and assistance to THB victims.

Within the General Police Directorate of the Republic of Serbia Ministry of Interior there are units specialized for combating human trafficking at different levels. Within the Border Police Directorate there is a Section for suppression of illegal migration and human trafficking, as well as different units responsible for combating cross-border crime, illegal migration and human trafficking located in seven Border Police Regional Centers operational in respect of neighboring countries and police stations at Belgrade and Nis Airport. Within the Criminal Police Directorate - Service for fight against organized crime, there is a special Section responsible for investigating human trafficking and migrants' smuggling. This section with total number of 8 specialized investigators has two to five investigations per year related to human trafficking and human smuggling, which are managed by a prosecutor for organized crime.

At a local level in Belgrade and in another 26 regional police departments there are different organizational units (according to the size of the city or area or

Comment [A117]: Pls make sure that TAIEX expert report's recommendations are addressed.

Comment [A118]: TAIEX expert recommendations on the need to transfer the THB to the Crime Police will be taken into account. In this sense strengthening of criminal police capacity through training to investigate THB cases is envisioned in THB section of the AP.

whether they are near to the state border) where work is performed regarding the foreigners issues, combating illegal migration and human trafficking with 352 police officers employed. Most of them attended training for combating human trafficking and victims' protection.

The legislation in the field of combating human trafficking has been developed during the past years. Amendments in the legislation have led to an increase of the penalties for human trafficking, expanding the list of forms of exploitation, declaring the criminal offense of knowingly using the services of victims of trafficking and specifying irrelevance of the victim's consent to exploitation. The first Strategy to Combat Trafficking in Human Beings has been adopted in the Republic of Serbia in 2006. It sets comprehensive strategic goals which have been realized, upon a drafted National Action Plan for combating trafficking in human beings for 2009 – 2011, through different activities of public institutions, non-governmental, international and other organizations.

A partnership between the competent public authorities and the civil sector in implementing the national prevention and victims' protection policy and suppressing human trafficking has been established both in operational and policy level. A multidisciplinary work framework has been also set up based on the victims' human rights protection, as well as regional and international cooperation, especially the international police cooperation, and relevant strategic and normative framework.

In April 2012, upon the Law on Social Protection, the Government has established a Center for Protection of Human Trafficking Victims, whose aim is to provide assistance and support to victims of human trafficking, including their children. ~~The work on identification, coordination and urgent sheltering of human trafficking victims is part of this institution.~~ The Center is comprised of two organizational units: the Service for coordination of protection of human trafficking victims and the Reception center for victims of human trafficking. Currently, only the Service for coordination of protection of human trafficking victims is operational. ~~The work on identification, coordination and urgent sheltering of human trafficking victims is part of this institution. The Center, together with other competent institutions, developed the criteria for identification of the victims of trafficking in human beings, which are posted at its web site and implemented trainings.~~ Necessary specialized support and reintegration programs for the victims have been provided so far mainly by social institutions and civil society organizations or from project donations and assets, such as: temporary housing (accommodation and support), reintegration programs, SOS number for human trafficking victims and SOS number for missing children, as well.

New developments

With the aim of strengthening the national referral mechanism and better protection of human trafficking victims, as well as harmonizing national legislation with the EU acquis, the proposal of the National Strategy for prevention and suppression of human trafficking, especially women and children and protection of victims in the Republic of Serbia for the period 2015 - 2020 has been drafted, as well as proposal of accompanying National Action Plan for the period 2015 – 2016.

The new national strategy shall ensure respect and protection of human rights, as a response to human trafficking, through upgraded system of prevention,

assistance and victims' protection, timely case identification in practice and efficient prosecution of perpetrators. The National Strategy also anticipates there form of the Council for combating human trafficking by appointing Council members, appointing a National anti-trafficking Coordinator by the Government in the Ministry of Interior, and the appointment of Strategy implementation team composed of Ministry and Public Authority representatives, Serbian Red Cross and civil society organizations.

During the public debate on the action plan on chapter 24, it was emphasized that a more pro active approach was needed on THB. This will be covered by the new Strategy.

The Office of the National anti-trafficking coordinator shall have a multidisciplinary approach coordinate the anti-trafficking activities at national level. The coordinator will monitor the strategy implementation.

Calculation of the financial assessment of the implementation of the Strategy is underway, as well as the accompanying action plan, after which adoption by the government expected.

Future

A national anti-trafficking coordinator shall be appointed within the Ministry of Interior upon adoption of the National Strategy of THB. Also, it is foreseen that a National Rapporteur Office will be established in 2019.

Training of specialised criminalistic police officers and prosecutors on trafficking in human beings and the cooperation with the social institutions and CSOs will be continued and on future MoUs with social institutions and CSOs that provide victims support. [Also the recommendations of the TAIEX experts with regard to shift the responsibility for THB cases to the criminal police will be taken into account.](#)

Cyber-crime

Through the Law on the organization and competencies of government authorities in combatting high-tech crime, Serbia established a special unit responsible for the fight against cybercrime within 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 specialized department. In 2009 Serbia ratified the Council of Europe Convention on

cybercrime and its additional the legislation is largely harmonized with Directive 2013/40/EU on attacks against information systems.

To fully transpose the *acquis*, legislative amendments are necessary notably with regard to sanctions. In order to enhance capacity of Special Prosecutor's Office for High-tech Crime, relevant bylaws shall be amended regarding expanding systematization. Concerning the level of efficiency the state authorities in fighting cybercrime and sexual exploitation of children, will establish civil society participation, through agreements with active platforms and associations.

Illicit trafficking in firearms

The Republic of Serbia adopted a new Law on Weapons and Ammunition on February 20th 2015. The law will be effective starting March 4th 2016 and is more restrictive (and in full accordance to standards set in the Directive 477/91 on control of the acquisition and possession of weapons and Directive 51/2008 of the European Parliament and of the Council of May 2008 amending Council Directive 477/91 EEC). The objective of the new Law is to create a more efficient system of control over procurement, storage, transfer and trade in firearms that would contribute to reduction in quantity of illegally possessed, number of legally possessed misused weapons and increase the general safety of citizens. In accordance with this Law special attention will be paid on adoption of bylaws concerning deactivation of the weapons.

For the purpose of adequate and full implementation of the Law after its adoption, program of trainings for police officers on this new Law will be created and implemented.

Also, The Republic of Serbia has adopted the Strategy on control of small arms and light weapons for period 2010-2015 which regulates the field of control of small arms and light weapons as well as measures for development in that field and framework for engagement of state institutions and individuals both in the Governmental and Nongovernmental sectors, for implementation of activities in the fight against illegal production, possession and trafficking in small arms in various aspects. The Republic of Serbia is preparing a New Strategy on control of small arms and light weapons, because Strategy currently in force will not be valid from May 2015. The new Law on weapons and ammunition envisages a transition period for both legalization and handover of weapons already in possession of the public at the introduction of the law for a period of 3 months.

In the meantime [MoI participated in TAIEX mission and learned about the best solution for establishing a closer and faster cooperation and exchange of experience and information with the EU and other countries. Also, in the meantime,](#) (on 30 of March 2015) the MoI has established dedicated Team of experts regarding the illicit trafficking in firearms. This Team is composed of 60 police officers selected from regional police directorate, as focal point. This Team is formed with the aim to work at national level in order to increase the flow of information and intelligence regarding the illicit trafficking in firearms, what is also one of main goal of new Strategy for SALW. [Also, the internal act about procedure of exchange of information and intelligence was drafted in April 2016 and during the study visit in June 2015, the information was received on the role of EUROPOL in the fight against illicit firearms trafficking.](#)

Within the criminal police of the MoI Republic of Serbia there is a unit specialized for investigations in the area of organized weapons smuggling. The Unit consist of 5 police officers in total, i.e. one manager and 4 investigators. Weapons smuggling, in particular its organized forms are a problem with regional dimensions. Therefore, information exchange (primarily with countries of the region) is an integral part of daily work of this unit. In order to strengthen regional co-operation and improve intensity and quality of information exchanged with countries of the region, Republic of Serbia will intensify its activities in regional expert networks and expert teams formed with the purpose of cooperation improvement between EU MS and countries of Western Balkans. To that end, it will organize also trainings on a national level in order to present to all relevant state actors in the country the possibilities of cooperation through such expert and specialized teams and networks. Deployment of all available domestic resources and use of regional and international cooperation in this area, together with adoption and enforcement of the new Law on Weapons and Ammunition harmonized with EU standards, will contribute to overall improvement of prevention and fight against trafficking in weapons.

Witness protection

Introduction

The activities on witness protection and victim witness support are also described in the section on war crimes in the Action plan on Chapter 23. Since there are a lot of similarities in the need for witness protection in war crime cases, organized crime and THB cases, it makes sense to combine the activities in both actions plans on this topic as much as possible.

The present

While the witness protection, including general procedural measures stipulated in the Criminal Procedure Court and implemented by justice authorities and the non-procedural measures, applicable in war crimes, organized crime and THB cases, stipulated in the Law of the Protection Program of the Participants in Criminal Proceedings and implemented by a Ministry of Interior Witness Protection Unit (hereafter the WPU), are key to ensuring witness safety, the victim witness support is also very helpful to ensure victims/witnesses constructive participation in criminal proceedings and successful prosecution of crime.

Witness Protection

Regarding the Witness Protection Unit of the Ministry of Interior, the expert analysis from the fact-finding mission on Chapter 23 - war crimes, has shown that it needs to get improved in different aspects, including strengthening its human resources by introducing objective selection criteria, developing, joint working procedures with the prosecutor's office and providing adequate staffing, training and equipment. Furthermore, the implementing laws enabling effective identity change should be introduced.

Comment [A119]: Please ensure consistency/cross reference with chapter 23

Comment [A120]: Consistency and cross reference with Chapter 23, part related to War Crimes, ensured.

Victims and Witnesses Support

As mentioned in expert reports, there is a grey area for witnesses who are not in the Witness Protection Program, but still need extra care and support before, during and after the court case.

Victims/witnesses in the organized crime and THB cases need material, social and psychological support during, but also outside the criminal proceedings. This support is arranged during the trial proceedings and in organisation of trial phase by Belgrade High Court Special Departments' Victim Witness Support Service, for witnesses in war crime cases and for witnesses in organized crime cases, as per judges' request²³ This court service, however, is limited in capacity. Furthermore, the Court Victim Witness Support Service can not provide support in investigative phase, which is led by prosecutors office, and the support outside the criminal proceedings is only available for witnesses in the witness protection program.

Serbia has already started to take measures to support victims of crimes in general. The OSCE Mission in Serbia provided support to the establishment of the Victim Witness Support Services at Higher Courts in Serbia, while the UK Embassy in Belgrade supported, as a pilot-project, the establishment of Victim Witness Support Services at Public Prosecutor's Office, with a prospect to expand the project to include also other major towns in Serbia. Within this project, the Victim and Witness Information Service at the Higher Public Prosecutor's Office in Belgrade started working on April 10, 2014. The purpose of establishing this Service was provide victims and witnesses, as early as the prosecutor's investigation starts (i.e. before the trial), the information on their rights and obligations and the ways to enforce them, as well as information on available support services by CSOs and government institutions, in order to help them overcome the consequences of crime and enable them to constructively participate in criminal proceedings, which would then increase efficiency and quality of criminal proceedings. For this purpose, the Victim and Witness Information Service at Higher Prosecutor's Office in Belgrade provided a separate phone-line and e-mail address and published leaflets which are handed to victims/witnesses together with a call to testify, containing the information on the Service and on basic rights and obligations of injured parties and witnesses in criminal proceedings. One of the key partners in this project is the Victimology Society of Serbia, with whom the Republic Prosecutor's Office signed the Memorandum of understanding on 20 February 2015, which enables mutual victims' referrals. However, no such service exists in investigation phase of the organised crime cases and the plans for developing Victim Witness Support Services also at the

²³ This court service is responsible for communication with other services of this kind in the region for the purpose of arranging travel and accommodation of witnesses when giving testimony, organizing video-conferences, keeping records on witnesses in proceedings and communicating with WPU when needed. It was initially established in 2006 in accordance with the Law on organization and jurisdiction of state authorities in war crimes proceedings, but was also stipulated in the Rulebook on internal organization and systematization of the Belgrade Higher Court in 2010 and in the new Law on courts in 2013. As it was initially introduced for Belgrade Higher Court War Crimes Department, and then expanded its services also to its Organized Crime Department (both with nation-wide jurisdiction), it is still more used in war crimes cases.

Organised Crime Prosecutor's Office should be developed.

While these projects are a good starting point, a comprehensive analysis is needed to assess gaps and needs in the field of witness and victim support during all stages of criminal proceeding. The expert analysis from the fact-finding mission on Chapter 23 - war crimes, for, dated 13.03.2015, has shown that the Victim Witness Support Service at Special Departments of Belgrade Higher Court needs to get improved, including providing adequate staffing, training and equipment and developing joint working procedures with the prosecutor's office. Furthermore, the Victim Witness Support Services at the Organised Crime Prosecutor's Office should be developed, to enable providing victim/witness support also in investigation phase of the organised crime cases.

The future

Witness Protection

To improve the protection, WPU had suggested several activities mentioned in the Action Plan. These activities are stipulated as result of large number of protected persons who are in the Protection program; therefore there is a need for more staff, housing and equipment. The adoptions in the Rulebook are necessary to change job descriptions. As soon as this Act is adopted, the Units will reorganize the working places and tasks, while the specific working place will be fulfilled with employees from the other departments of the Ministry of Interior. The WPU wants to bring in more expertise on the psychological, social support of witnesses and IT sector. In its work the Unit has been working with project WINPRO II for several years, which provided trainings and educations. In relation to this, when this project is over, the Department of Education within the Ministry of Interior will continue with educational activities. Obtaining material – technical mean will be arranged from the Budget of Ministry of Interior, as well as from foreign donations. This equipment will help WPU to protect witnesses in more adequate ways. But first of all, an analysis is needed to (re)define the scope and organization of the WPU.

Victims and Witnesses Support

As mentioned above, the protection and support of witnesses is also an essential element in organized crime and THB cases, a further development of capacity of the Belgrade Higher Court Specialised Departments Victim Witness Support service is needed and it will be part of the proposed activities in the Action Plan of Chapter 23 and 24. Furthermore, within the project of establishing Victim Witness Support Services at the Prosecutors Offices, the efforts will be invested to establish Victim Witness Support Service also at the Organised Crime Prosecutors Office, which would provide support to victims/ witnesses already in investigation stage.

Final remarks

As the fight against organized crime and corruption is one of the most important objectives in Serbia, it is necessary to further improve the current legal,

institutional and administrative mechanisms to maximize the capacity of competent authorities to combat this most serious form of crime.

6.2.1. RECOMMENDATION : 1	OVERALL RESULT	INDICATOR OF IMPACT
<ul style="list-style-type: none"> 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; 	<p>The model of intelligence-led policing established; full harmonisation with the <i>acquis</i>, based on the roadmap defining different steps; the strategic picture of organised crime to assess threats and risks developed</p>	<p>Higher level of effectiveness, efficiency and cost-effectiveness of the fight against organised crime.</p>

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.1. 1.	Define the plan of developing the first national serious and organised crime threat assessment (SOCTA), within the project that	Ministry of Interior, Police Directorate , Sector for Analytics, Telecommunications and Information Technologies and competent relevant institutions	May 2015	BUDGET (regular) 6.624 EUR for the year 2015 Grants (OSCE project) – total project value: 130.000 EUR	The plan of development of the strategic assessment defined	Project report	

Comment [A121]: Deleted.Finished and removed to the introductory

	started in March 2014						
6.2.1.2.	Delivering III and IV training modules	Ministry of Interior Police Directorate, Criminal Analytics Service in cooperation with other competent institutions	June 2015	BUDGET (regular) 7.420 EUR for the year 2015. This includes cost of training	Team trained in III and IV modules for SOCTA	Project report	
6.2.1.321.	Develop the first national serious and organised crime threat assessment (SOCTA)	Ministry of Interior Police Directorate, Criminal Analytics Service in cooperation with other competent institutions	December 2015	Link: activity 6.2.1.1. -grants (OSCE project) – total project value 130.000 EUR BUDGET (regular) - 106.315 EUR for the year 2015	First SOCTA developed	Project report	
6.2.1.432	To adjust the organizational structure of the Serbian Ministry of Interior units that engage in intelligence work (collection, processing and analysis of	Ministry of Interior: Minister, working group, Police Directorate-Director, Secretariat-Secretary, Sector for Finance, Human Resources and Joint Affairs-Head; Government of the Republic of Serbia	June December 2015; III quarter of 2016 2017;	BUDGET (regular) - 11.178 EUR for the year 2015 Link with activity 6.2.1.7: Project by the Republic of Serbia and the Kingdom of Sweden <u>and</u>	Conducted analysis of current organizational structure; Adopted an Rulebook on systematization	Regulation on internal organization and job classification in the MoI	

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Comment [A122]: June deleted

	information and creating intelligence) with the ILP model			{Swedish National Police Board – SNPB Programe 2016-2018 }	for the new organizational structure which unifies intelligence work functionally and organizationally , describes procedures and jobs, tasks and competencies for each post; Implementation of new organizational structure in accordance with the ILP model;		
6.2.1.543	To create strategic and operational management groups in order to implement ILP models at the central, regional and local level	Working group, Police Directorate-Director, Secretariat-Secretary, Sector for Finance, Human Resources and Joint Affairs-Head;	December-II quarter of 2015 2016 ; III quarter of 2017 ;	BUDGET(regular) 11.178 EUR for the year 2015 Link with activity 6.2.1.7: Project by the Republic of Serbia and the Kingdom of Sweden and SNPB Programe	Adopted document on structure and methodology of work for the management groups; Implementation of work by the management groups;	Document on the creation of strategic and operational leading groups	

				2016-2018			
6.2.1.654.	Draft a proposal the Law on Police and adopt the national handbook "Intelligence-Led Policing in the Ministry of Interior of Serbia"	Ministry of Interior: Minister, working group, Secretariat-Secretary, Police Directorate-Director; Ministry of Justice; Government of the Republic of Serbia; National Assembly of the Republic of Serbia	June December 2015 December 2015 I-II quarter of 2016	TAIEX expert – 2.250 EUR for the year 2015 Link with activity 6.2.1.7: Project by the Republic of Serbia and the Kingdom of Sweden and SNPB programme 2016-2018	Adopted national handbook "Intelligence-Led Policing in the Ministry of Interior of Serbia"; the Law on Police; Amended Mandatory Instructions on Operational Police Work;	National handbook Law on Police Mandatory Instructions on Operational Police Work	

Comment [A123]: June deleted

6.2.1.765.	Develop an integrated Information Communication Technology (ICT) platform of the Ministry of Interior which is accessible to all users	Ministry of Interior: Police Directorate-Director, working group, Sector for Analytics, Telecommunications and Information Technologies, Ministry of Finance	December 2015 First quarter of 2017 IV quarter of 2018.	BUDGET(regular) 99.360 EUR for the year 2015 TAIEX expert - 2.250 EUR for the year 2015 Setting up the platform -bi-lateral project with Sweden SIDA, which is expected to be continued Proposed for IPA 2015- cca 3.500.000 EUR link to 6.2.2.4	Conducted analysis of the ICT platform; Improved system of protection of information and of IT systems; All databases are accessible to ILP integrated;	Report on conducted analysis Report of working group on completion of tasks Report of working group on completion of tasks	
6.2.1.876.	Develop a sustainable training system for ILP	Ministry of Interior: Minister, Police Directorate-Director, Directorate for Education,	September December 2015	BUDGET (regular) 3.726 EUR	Curriculum for the analysis method OIAT; Curriculum for	Training programs adopted by the Ministry of Interior	

Comment [A124]: ~~September~~ deleted

		Professional Training, Development and Science-Head, Directorate for Human Resources-Head;	December I quarter 20152016 December III quarter 20152016 December 20152017	Link with activity 6.2.1.7: Project by the Republic of Serbia and the Kingdom of Sweden – training TBD and (SNPB programe 2016-2018)	controllers informants; Curriculum for informant handlers; Curriculum for the analysis method ANALYST NOTEBOOK; Number of delivered trainings; Number of trained police officers;	Reports on delivered trainings	
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6.2.2. RECOMMENDATION: 2	OVERALL RESULT	INDICATOR OF IMPACT
Prepare for the establishment of a single centralised criminal intelligence system and a safe platform for communicating between law	Full harmonisation with the <i>acquis</i> in the area of developing criminal intelligence system	Achieved coordinated work of government authorities in the fight against organised crime, safe exchange and protection of data, ensuring the

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		respect of human rights
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.2.1.	Conduct a comprehensive analysis of the existing situation on data collection and data exchange in respect of investigations – the information communications infrastructure and other resources-capacities for automated data exchange between government law	Ministry of Interior in cooperation with other competent authorities (interagency working group)	June 2015	BUDGET (regular) 44.712 for the year 2016	The inter-agency working group created;	- TAIEX expert report	
			September 2015	TAIEX 19.350 EUR for the year 2015. This includes: 3	The analysis conducted	- Projects reports	
			December 2015	workshops, as well as 2 experts			
			March 2016	Swedish project, which is expected to be continued OSCE project	The reference model selected		
			June 2016				

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	enforcement authorities						
6.2.2.2.	Prepare and sign Protocols to enable electronic data exchange between law enforcement authorities and judicial authorities in charge of the fight against organised crime	Ministry of Interior , other competent ministries and institutions	June 2017	TAIEX – 10.200 EUR for the year 2015 This includes study visits, experts as well as workshops link activity 6.2.2.1	Number of protocols signed,	Annual report of Ministry of Interior and other institutions	
6.2.2.3.	Improve interagency cooperation and coordination of operational activities of all entities participating in the fight against organised crime by signing a Memoranda and improving of	Ministry of Interior Ministry of Justice Ministry of Finance Public Prosecutor's	June IV quarter 2017	BUDGET – signing the memorandum 5.962 EUR BUDGET– establishing procedures 5.962 EUR Proposed for IPA 2015 Twinning light 200.000 EUR	Memoranda of understanding between the police, Organised Crime Prosecutor's Office and other government bodies and institutions,	Annual report of Ministry of Interior and other institutions	

	Law framework	Office, Organised Crime Prosecutor's Office, Administration for the Prevention of Money Laundering and other authorities in the fight against organised crime					
6.2.2.4.	Establish technical conditions within Ministry of Interior and other relevant institutions to enable electronic data exchange between law enforcement authorities and judicial authorities in	Ministry of Interior Ministry of Justice And other relevant institutions	December 2017 <u>End of 2018</u> <u>Continuously untill accession to the EU</u>	Proposed for IPA 2015 cca 3.500.000 within the MoI Link to the activity 6.2.1.7 Bi-lateral project	Technical specification defined Equipment supplied Equipment for safe platform for communication established	Annual report of Ministry of Interior and other institutions	

Comment [A127]: Please clarify when the platform to safely exchange data between law enforcement agencies will be operational : 2018 or upon accession. It should be before accession

Comment [A128]: By accession (before the accession)

	charge of the fight against organised crime, Link: the activity envisaged in AP 23 corruption 2.3.2.2			with Sweden SIDA, which is expected to be continued,			
6.2.2.5.	Establish the system of human resources training and professional education in regard to functioning of the criminal-intelligence system	Ministry of Interior-Directorate for Education, Professional Training, Development and Science, other competent ministries and institutions	December 2017	TBD	The training plan and programme developed; number of implemented training sessions (based on the plan); number of trained trainers – ten	Yearly report of Directorate for Education, Professional Training; Reports on conducted trainings	
6.2.2.6.	Adopt and implement the methodology of statistical collecting	Ministry of Justice, Prosecution office, the Ministry of	March 2016	Budget BUDGET (regular) 5.796 EUR for the year 2016	System of statistical monitoring and reporting	Reports of Ministry of Justice, Prosecution office, the	

	monitoring, and reporting on criminal offences (track records) of organised crime among all institutions in charge of fight against organised crime	Interior and other competent government authorities			improved	Ministry of Interior and competent institutions	
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6.2.3. RECOMMENDATION: 3	OVERALL RESULT	INDICATOR OF IMPACT
Revise the role and practice of security services in the criminal investigation phase in line with data retention and human rights standards	The independence of the police from security services in the field of special investigative measures, in accordance with best EU practices.	Improvement of human rights protection in relation to application of special evidentiary actions in criminal investigations

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.3.1.	Analyse the roles and practices of security services and the police in	Office of the Council for National Security and	December of 2015	BUDGET (regular) 13.041 EUR for the year 2015	Recommendation of the Bureau for the coordination of Security	Minutes from the meeting of the Bureau	

	implementation of specific investigative measures in the criminal investigation phase	Protection of Secret Data - Director, in cooperation with the Ministry of Justice, Security Information Agency, Ministry of Defence, Military Security Agency and other competent organisational units, Criminal Police Directorate, Police Directorate of the Ministry of Interior, and Ministry of Finance			Services		
6.2.3.2.	Develop the plan implementing the government decision based on the Bureau recommendation, containing a clear concept,	Office of the Council for National Security and Protection of Secret Data - Director , in	IV quarter of 2016	BUDGET (regular)(2015-2016) 3.614 EUR	working group set up under the government decision; plan developed	Report of working group	

	defined activities with the implementation and evaluation deadline	cooperation with the Ministry of Justice, Security Information Agency, Ministry of Defence, Military Security Agency and other competent organisational units, Criminal Police Directorate, Police Directorate of the Ministry of Interior, and Ministry of Finance					
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6.2.4. RECOMMENDATION: 4	OVERALL RESULT	INDICATOR OF IMPACT
<ul style="list-style-type: none"> Propose measures to reinforce the capacity of the police, the Organised Crime Prosecutor's Office and the Anti-Money Laundering Administration (FIU) to pro-actively investigate organised crime, 	Full alignment with EU acquis and the best practices in the area of pro-active investigations	Degree of efficiency in the process of proving and processing of criminal offences of organised crime; degree of skills, efficiency and quality of work of all employees; degree of ensuring the

including economic and financial crime, such as money laundering		appropriate model for implementation, monitoring and assessment Number of cases discovered
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.4.1.	Conduct of analysis of the organizational structure, capacity and powers of state bodies in the fight against organized crime and corruption in order to achieve efficiency and strengthen the independence of all relevant institutions LINK; the same activity in CH 23 2.3.2.1	Ministry of Justice, Prosecutors Office for Organised Crime and Ministry of Interior – state secretary And other relevant institutions	IV quarter 2015	Link. Chapter 23 Activity 2.3.2.1.	Link. Chapter 23 Activity 2.3.2.1.	Link. Chapter 23 Activity 2.3.2.1.	
6.2.4.2.	Amend the Law on Organization and Jurisdiction of State	Ministry of Justice,	IV quarter of 2015	Link. Chapter 23 Activity 2.3.2.3.	Link. Chapter 23	Link. Chapter 23	

Comment [A129]: From 9 to 13 March the OSCE Mission organized a five-day workshop to draft a report aimed at: proposing structural changes necessary for effective prosecutor-led investigation, at improving internal and external procedural changes, as well as at identifying amendments of relevant provisions of the Criminal Procedure Code (CPC).(Source / OSCE mission). Is this part of this exercise ?

Comment [A130]: While the OSCE analysis relates to the CPC implementation by all law enforcement institutions, the analyses we had in mind here is rather organizational analysis of the organized crime institutions. However, we will ensure that any relevant information from the OSCE report is included.

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	<p>authorities in the fight against organized crime, corruption and other particularly serious criminal offences, in order to systematically organize the work of special investigative teams, using the necessary methods for increasing efficiency in the prosecution of criminal offences</p> <p>LINK; the same activity in CH 23 2.3.2.2.</p>	<p>Public Republic Public Prosecutor's Office,</p> <p>Organised Crime Prosecutor's Office</p>			<p>Activity 2.3.2.3.</p> <p>Law on amendments and supplements to the Law on Organization and Jurisdiction of State authorities in the fight against organized crime, corruption and other particularly serious criminal offences adopted</p>	<p>Activity 2.3.2.3.</p> <p>Official Gazette of Republic of Serbia</p>	
6.2.4.3	<p>Develop procedures for involvement of different relevant state agencies' representatives in criminal proceedings</p>	<p>Ministry of Justice</p> <p>Republic Public Prosecutor's Office,</p> <p>Prosecutor's</p>	December 2015	TAIEX 4.200 EUR for the year 2015	<p>Memorandum s of Understanding for involvement of different relevant state agencies'</p>	<p>Annual reports</p> <p>Annual Progress reports</p>	

		Office for Organized Crime Ministry of Interior and relevant institutions			representatives in investigative teams adopted		
6.2.4.4	Introduce registry on proactive investigations in order to monitor their efficiency, and report on their results	Prosecutors Office for Organised Crime Republic Public Prosecutors Office	January 2016	BUDGET (regular)	Registry on proactive investigations set up;	Report of Number. of proactive investigations	
6.2.4.5	Introduce the team of economic forensic experts at the Organised Crime Prosecutor's Office and other authorities where necessary. Note: the same activity envisaged	Ministry of Justice , Public Prosecutor's Office, Organised Crime Prosecutor's Office	II quarter of 2016	Link: the same activity envisaged under chapter 23, Fight against corruption, activity 2.3.2.3.	The team of economic forensic experts at the Organised Crime Prosecutor's Office introduced Training for	Official Gazette of Republic of Serbia Annual narrative and statistical reports of the Organised Crime Prosecutor's	

	under chapter 23, Fight against corruption, activity 2.3.2.3.				economic experts conducted	Office, Annual Progress reports	
6.2.4.6.	Strengthen material-technical capacities of the Organised Crime Prosecutor's Office to conduct proactive investigations through the development of the information system, complying with security standards for data exchange and personal data protection	Ministry of Justice, Organised Crime Prosecutor's Office	III quarter of 2016 IV quarter 2016	BUDGET -employees 3.974 EUR per year; budget/donation hardware 12.990 EUR and software 6.500 EUR Donation "Improving the Capacities of the Organised Crime Prosecutor's Office to Conduct Efficient Investigations, Using the Highly Efficient Case Management System and Enhancing Regional Cooperation" –404.084 EUR (negotiation with donors by MoJ)	The information system developed; training of users and administrators conducted	Annual narrative and statistical reports of the Organised Crime Prosecutor's Office, Report on introduction of the information system in the Organised Crime Prosecutor's Office	
6.2.4.7	Strengthen staff capacities of the	Ministry of Justice, Organised	Continuous from of 2015	Increasing the number of deputy prosecutors, prosecutorial assistants	The human resource capacities	Rulebook on Internal Organisation and	

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	Organised Crime Prosecutor's Office to implement proactive investigations, by increasing the number of deputy prosecutors, prosecutorial assistants and supporting staff, including specialisation upon analysis	Crime Prosecutor's Office, State Prosecutorial Council, Ministry of Finance		and supporting staff) TBD-depends on the analysis in the activity 6.2.4.1. Specialisation budget TAIEX : 16.800 EUR for the year 2015. 16.800 EUR for the year 2016. 16.800 EUR for the year 2017. 16.800 EUR for the year 2018.	strengthened the Rulebook on Internal Organisation and Job Classification and the Staffing Plan amended; the number of deputy prosecutors for organised crime, prosecutorial assistants and supporting staff increased; the training plan and programme developed; reports on conducted training	Job Classification and the Staffing Plan (amended), Annual narrative and statistical reports of the Organised Crime Prosecutor's Office, Training reports	
6.2.4.8.	Conduct training of authorities involved	Judicial	Continuously	IPA 2013 Fight against organised crime–	The training plan and	Reports on conducted	

	in proactive investigations of organized crime economic and financial crime, such as money laundering,	Academy, Ministry of Interior The Judicial Academy, Ministry of Interior, The Prosecutor's Office, Supreme Court of Cassation, Ministry of Finance - Administration for the Prevention of Money Laundering and other law enforcement authorities		<p>twining 1.500.000 EUR</p> <p>IPA 2014 Action document "Support to the Sector of internal affairs" OSCE</p> <p>Proposed for IPA 2016 This activity is part of Twinning contract 2.000.000EUR/Budget and include joint trainings in the area of proactive investigations of organized crime economic and financial crime.</p>	<p>programme developed;</p> <p>Reports on conducted training;</p>	trainings	
6.2.4.9.	Develop the analysis of necessary capacities in the Administration for the Prevention of	Ministry of Finance - Administration for the Prevention of Money Laundering	IV quarter 2015	<p>BUDGET (regular) 559 EUR for the year 2015</p> <p>TAIEX 2.250 EUR for the year 2015</p>	Information on the necessary capacities available.	Assessment of necessary capacities prepared	

	Money Laundering in respect of providing information for proactive investigations						
6.2.4.10	Strengthen capacities of the Administration for the Prevention of Money Laundering in terms of 1.spatial 2.technical 3.staff and professional capacity, in accordance with the conducted analysis	Ministry of Finance, Administration for the Prevention of Money Laundering	Second half of 2017 Deadlines for spatial, technical, HR capacities, respectively: 1. 4 quarter 2015 2. 2 quarter 2017 3. December 2015 (3 employees), IV quarter 2016 (6 employees), 2017 (6 employees)	(Possibly through IPA 2015 in the part related to strengthening APML capacity in respect of training, IT system and conduct of analysis, except for APML relocation and procurement of hardware and software)	Adequate premises for the adequate number of civil servants ensured; A higher number of civil servants contributes to the increase in successful analyses in the Administration for the Prevention of Money Laundering; the IT system improved, enabling faster and	Annual report, Rulebook On Internal Organisation and Job Systematisation	

					<p>more efficient conduct of the analysis of financial-intelligence data;</p> <p>Number of conducted training sessions;</p> <p>Reducing time necessary for analysis, a larger number of analyses submitted to law enforcement agencies compared to the previous year</p>		
6.2.4.11	Strengthen administrative capacities of the specialised Financial Investigations Unit within the Ministry of Interior based on	Ministry of Interior, Criminal Police Directorate Service for Combating Organised Crime, Head of	September of 2015 onwards	Link: the same activity envisaged under chapter 23, Fight against corruption, activity 2.3.2.6 TAIEX 11.350 EUR for	Increase number of trained and specialized employees in Financial Investigations Unit from 62	Annual Ministry of Interior Financial Investigations Unit Report	

	<p>result of the analysis performed</p> <p>NOTE: the same activity envisaged under chapter 23, Fight against corruption, activity 2.3.2.6</p>	<p>the Financial Investigations Unit and other competent authorities</p>		<p>the year 2015</p> <p>BUDGET: reallocated additional officers, maximum of 105 envisaged employees</p> <p>until 2018 It will be staffed by 95 percent</p> <p>2015.</p> <p>300.000 EUR for the year 2015.</p> <p>600.000 EUR for the year 2016.</p> <p>600.000 EUR for the year 2017.</p> <p>600.000 EUR for the year 2018.</p> <p>TOTAL BUDGET (2015-2018) 2.100.000 EUR</p> <p>Equipment from existed resources – Proposed for IPA 2017 1.500.000 EUR and Twinning</p>	<p>to 105 by 2018.</p>		
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				Light 200.000 EUR FBD			
6.2.4.12	Implement best practices and solutions in the field of fighting fraud in line with Council Framework Decision 2001/413/JHA	Ministry of Interior , Criminal Police Directorate, Service for Combating Organised Crime - deputy head of Department of the suppression of organised financial crime	December 2015 and continuously	TAIEX Workshop OSCE study visit/workshop Proposed for IPA 2017-2016 Twinning contract-light 2-000.000 EUR Link to activity 6.2.4.11 BUDGET (regular)	Implementation of best EU solutions and practices in the responsible authorities' proposals for by-legislation	Annual reports	
6.2.4.13	Improve capacities of police, prosecutors and judges through workshop on frauds performed by legal entities	Ministry of Interior , Criminal Police Directorate, Service for Combating Organised Crime - deputy head of Department of the suppression of organised financial crime, Ministry of Justice Judicial	September 2015 and continuously	OSCE workshop BUDGET (regular) 1.035 EUR for the year 2015 Proposed for IPA 2017-2016 Twinning contract-light 2-000.000 EUR Link to activity 6.2.4.11	Workshop conducted	Number of educated staff and report from workshop	

		academy					
6.2.4.14	Learn about and analysing models for systematic confiscation of assets in an EU member state;	Ministry of Interior and partners - Head of Financial Investigations Unit	October 2015 Link with activity 8.2.8	TAIEX 3.000_EUR for 2015 Study visit to the Netherlands	Level of systematic confiscation of assets introduced into documents related to conduct of competent authorities.	Study visit report	

6.2.5. RECOMMENDATION: 5	OVERALL RESULT	INDICATOR OF IMPACT
<ul style="list-style-type: none"> 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; 	Full harmonisation with the <i>acquis</i> through improving performance in financial investigations	<p>Reduced financial power of perpetrators of criminal offences and related persons through seized and confiscated proceeds of crime</p> <p>Improved track record of number and value of cases of confiscated criminal assets (final decision)</p>

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.5.1	Conduct analysis of harmonisation of national	Ministry of Justice	December 2015	BUDGET (regular) 621 EUR for the year	The analysis conducted and the model	TAIEX Report	

	legislation with relevant Financial Action Task Force (FATF) recommendation with the assistance of a foreign expert	Ministry of Interior- Cabinet of minister, Criminal Police Directorate, Service for Combating Organised Crime, Head of the Financial Investigations Unit, in cooperation with other competent institutions		2015. TAIEX 3.000 EUR for the year 2015. TAIEX - 2.250 EUR for the year 2015.	selected		
6.2.5.2	Implementation of Financial Action Task Force (FATF) recommendations in the relevant regulations of the RS in accordance with prepared analysis Note: the same activity envisaged under chapter 23, activity 2.3.2.5	Ministry of Justice Ministry of Interior- Cabinet of minister, Criminal Police Directorate, Service for Combating Organised Crime, Head of the Financial Investigations Unit, in	II quarter of 2016 And till accession to the EU	BUDGET (regular) 14.904 EUR for the year 2015. TAIEX 11.250 EUR for the year 2015. Link: the envisaged under chapter 23, activity 2.3.2.5	(FATF) recommendations implemented	Official Gazette of Republic of Serbia	

Comment [A131]: Pls clarify will it start in 2016 and be fully implement the FATF recommendations upon accession ? This is late.

Comment [A132]: We agree and change the date.

		cooperation with other competent institutions					
6.2.5.3	Draft a proposal for the Law on Amendments and Supplements to the Law on the Seizure and Confiscation of the Proceeds from Crime in accordance with the previously conducted analysis aimed at improvement of efficiency in line with Directive 2014/42/EU 2013 EU Directive	Ministry of Justice, Ministry of Interior Directorate for the Management of Seized and Confiscated Assets National Assembly	IV quarter of 2015 II quarter of 2016	Note: the same activity is budgeted under chapter 23, Fight against corruption, 2.3.5.1	the Law on Amendments and Supplements to the Law on the Seizure and of the Proceeds from Crime adopted	Official Gazette of Republic of Serbia	
	Note: the same activity is envisaged under chapter 23, Fight against corruption, 2.3. 2.4 5.4						
6.2.5.4	Adopt Action Plan on the Financial Investigations Strategy from 2015 through 2016 and	Ministry of Justice	October 2015 and Adoption June 2015 continuously	BUDGET(regular) Link: the same activity is envisaged under chapter 23,	Action plan adopted and implemented	Reports on the extent of implementation of the Strategy published at the	

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Comment [A133]: Directive 2014/42/EU

Comment [A134]: Thank you, changed.

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	<p>Monitor the implementation of a Financial Investigations Strategy from 2015 through 2016</p> <p>Note: the same activity envisaged under chapter 23, Fight against corruption, activity 2.3.2.4.</p>		<p>monitoring of implementation of the Action Plan, from adoption till 2016</p>	<p>Fight against corruption, activity 2.3.2.4</p>		<p>website of the Ministry of Justice</p>	
6.2.5.5	<p>Strengthen capacities through continuous training of police officers and prosecutors, relating to the conduct of complex financial investigations in parallel with criminal investigations, for the purpose of achieving synergy</p>	<p>Ministry of Interior-Criminal Police Directorate, Judicial Academy</p>	<p>October of 2015 onwards, and upon adoption of Strategy</p> <p>Envisaged in Strategy</p>	<p>Link: activity envisaged under chapter 23, activity 2.3.2.8.</p> <p>TAIEX 3.700 EUR</p> <p>TAIEX 9.700 EUR</p> <p>OSCE workshop</p> <p>Fight against</p>	<p>Training conducted and study visit for cross-comparison of data of all government institutions implemented;</p> <p>training of interagency groups for more complex financial</p>	<p>Report from study visit</p> <p>And the report on training conducted</p>	

	in proactive action Note: activity envisaged under chapter 23, activity 2.3.2.8.and under 6.2.4. of chapter 24			organised crime IPA 2013Twinning Project 1.500.000 EUR	investigations in parallel with criminal investigations conducted		
6.2.5.6	Strengthen administrative capacities of the specialised Financial Investigations Unit within the Ministry of Interior based on result of the analysis performed NOTE: the same activity envisaged under chapter 23, Fight against corruption, activity 2.3.2.6	Ministry of Interior, Criminal Police Directorate Service for Combating Organised Crime, Head of the Financial Investigations Unit and other competent authorities	II quarter 2016 Onwards	Link: the same activity envisaged under chapter 23, Fight against corruption, activity 2.3.2.6 TAIEX EUR 11.350 for 2015 BUDGET:reallocated additional officers, up to maximum of 105 envisaged employees 2015- 300.000 EUR 2016- 600.000 EUR 2017- 600.000 EUR	Increased number of employees in Financial Investigations Unit – currently 62 out of 105 envisaged officers are employed in Fin. Investigations Unit ; trainings conducted	Annual Ministry of Interior Financial Investigations Unit Report	

				<p>2018- 600.000 EUR</p> <p>Total budget 2.100.000 EUR</p> <p>Equipment from existed resources</p> <p>Fight against organised crime</p> <p>IPA 2013Twinning Project 1.500.000 EUR</p> <p>Proposed for IPA 2017 equipment (1,500,000 EUR) Link to activity 6.2.4.11,2015</p>			
6.2.5.7	<p>Conduct professional training of employees focusing on a mechanism of the information exchange on financial investigations at a international level, in accordance with</p>	<p>Ministry of Interior - Financial investigation unit,</p> <p>Ministry of Justice,</p>	<p>IV quarter of 2018.</p>	<p>TAIEX expert mission</p> <p>Fight against organised crime</p> <p>IPA 2013 Twinning Project 1.500.000 euEUR</p>	<p>Analysis of legal framework on information exchange</p> <p>Training conducted</p>	<p>Report from expert about current state</p>	

	<p>the Framework Decision 2006/960/PUP</p> <p>NOTE: the activity envisaged under chapter 23, Fight against corruption, activity 2.3.2.7.</p>	<p>Prosecutor Office, competent judicial authorities</p>	<p>IV quarter of 2020</p>	<p>Proposed for IPA 20162017/Budget (Twinning light 200,000 EUR) Link with activity 6.2.4.11.</p> <p>Link: the activity envisaged under chapter 23, Fight against corruption, activity 2.3.2.7</p>			
6.2.5.8.	<p>Conduct of analysis of the division of responsibilities and needs assessment for capacity development regarding ARO functions (if possible in one</p>	<p>Ministry of Interior and Ministry of Justice</p>	<p>December 2015</p>	<p>RS BudgetBUDGET (regular)</p> <p>OSCE</p>	<p>Analysis conducted</p>	<p>Written report of conducted analysis</p>	

	institution) between Ministry of Interior-Financial Investigations Unit and Ministry of Justice -Directorate for the Management of Seized and Confiscated assets						
6.2.5.9	Establish ARO (Asset Recovery Office) within the Ministry of Interior- Financial Investigations Unit and if necessary within the Ministry of Justice -Directorate for the Management of Seized and Confiscated assets by amendments of the Law on the Seizure and Confiscation of the Proceeds from Crime, amend of by law stipulation internal organization of the	<u>Ministry of Interior - Financial Investigations Unit or Ministry of Justice, Ministry of Interior- Financial Investigations Unit</u>	June 2017	RS Budget <u>BUDGET (regular)</u> (estimated value, depending on the outcome of the analysis)	Adopted Law and Rulebooks on systematization by which ARO is established	Official Gazette and Decision on adopted systematization by Government	

	Ministry of Interior and Ministry of Justice in order to harmonize with the Framework Decision 845/2007 JHA						
6.2.5.10	Draft a proposal of the bylaws (internal Ministry of Interior and if necessary Ministry of Justice acts) on acting of police officers and staff in proactive investigations, in order to improve functioning of ARO	Ministry of Interior - Financial Investigations Unit, Ministry of Justice - Directorate for the Management of Seized and Confiscated	II quarter 2016	BUDGET (regular)	Adopted bylaws	Signed instructive (internal) bylaws	
6.2.5.11	Strengthen the capacities of <u>ARO Financial Investigation Unit</u> through trainings in preparation for establishment of <u>ARO</u>	Ministry of Interior - Financial Investigations Unit, Ministry of Justice - Directorate for the Management of Seized and Confiscated	Starting from October 2015 and continuously	BUDGET (regular) TAIEX workshops	Staff educated on <u>international</u> co-operation with other AROs Staff educated on methods of information exchange and spontaneous information	Report of FIU of ARO Operationally TAIEX report	

Comment [A135]: Please confirm : ARO (in line with EU standards) is to be established in 2017 within the Ministry of Interior –) Financial Investigation Unit. This training activity will thus be for the Financial Investigation unit and not for the ARO staff as it does not yet exist in 2015 ???

Comment [A136]: Correct

					exchange Staff educated on execution of confiscation orders		
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6.2.6.1 RECOMMENDATION: 6	OVERALL RESULT	INDICATOR OF IMPACT
• Fully align the legal framework governing the activities of the FIU	Full harmonisation with the. Council Decision 2000/642/JHA	Improved protection of the financial and non-financial system

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.6.1.	Analyse the legal framework regulating activities of the Administration for the Prevention of Money Laundering and	Ministry of Finance – Administration for the Prevention of Money Laundering – director	September of 2015	TAIEX 2.250 EUR BUDGET (regular) 559 EUR	The analysis conducted and recommendations issued	Analysis conducted, report with recommendations available and sent to relevant authorities (Minister of finance)	

	develop recommendations to upgrade the situation for the purpose of full harmonisation with the Council Decision 2000/642/JHA						
6.2.6.2	Draft a proposal of amendments and supplements to the Law on the Prevention of Money Laundering and the Financing of Terrorism, in accordance with recommendations from the analysis, so as to ensure its full alignment with the Council Decision 2000/642/JHA	Ministry of Finance - Administration for the Prevention of Money Laundering	December of 2015	BUDGET (regular) 40.872 EUR for the year 2015	The amendments to the Law on the Prevention of Money Laundering and the Financing of Terrorism adopted	Official Gazette of the Republic of Serbia	

6.2.7 RECOMMENDATION: 7

OVERALL RESULT

INDICATOR OF IMPACT

<ul style="list-style-type: none"> 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 	Full harmonisation with the <i>acquis</i> for the purpose of increasing the number of seizures and confiscations of the proceeds of crime	Positive report of EC Number of sized and confiscated assets deriving from criminal activity
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.7.1	Draft a proposal of the Law on Amendments and Supplements to the Law on the Seizure and Confiscation of the Proceeds from Crime in accordance with the previously conducted analysis aimed at improvement of efficiency in line with EU Directive 2014/422013 Note: the same activity is envisaged under chapter 23, Fight against corruption, 2.3.5.1 (add link to	Ministry of Justice, Directorate for the Management of Seized and Confiscated Assets National Assembly	IV quarter II quarter of 2015 6	Note: the same activity is envisaged under chapter 23, Fight against corruption, 2.3.5.1	the Law on Amendments and Supplements to the Law on the Seizure and of the Proceeds from Crime adopted	Official Gazette of the Republic of Serbia	

Comment [A137]: IMPORTANT RECENT ACQUIS DEVELOPMENT ! With a cross reference to CH 4, please insert a separate measure to tackle the beneficial ownership given its importance in financial investigations..
 In the 4th Anti-Money Laundering Directive (which has been voted in the EP 2 weeks ago) all MS should set up central registers of beneficial ownership for companies and trusts.

Comment [A138]: This is part of AMFL CFT Strategy adopted in December 2014 and it will be part either of the Law on registration of economic subjects or of the Law on Legal Entities

Comment [A139]: Will this law include also measures facilitating access to financial information if not a separate measure needs to be envisaged that would take into account this aspect (see recommendation from the Screening report p.26)

Comment [A140]: Yes, this law will include the measures facilitating access to financial information.

Comment [A141]: Time frame changed

	7.2.2)						
6.2.7.2	<p>Conduct a comparative legal analysis on efficient mechanisms for seizure and confiscation of assets and select an appropriate model</p> <p>Note: the same activity is envisaged under chapter 23, Fight against corruption, 2.3.5.2.</p>	<p>Ministry of Justice, State secretary in charge of anticorruption</p> <p>Ministry of Interior</p> <p>Directorate for the Management of Seized and Confiscated Assets</p>	II quarter 2015	<p>BUDGET (regular) 8.642 EUR for the year 2015</p> <p>Note: the same activity is budgeted under chapter 23, Fight against corruption, 2.3.5.2.</p>	Analysis performed	Reports	
6.2.7.3	<p>Draft a proposal of by-laws to regulate records keeping, management of seized assets and value assessment</p> <p>Note: the same activity is envisaged under chapter 23, Fight against corruption,</p>	<p>Ministry of Justice, , State secretary in charge of anticorruption Directorate for the Management of Seized and Confiscated Assets Director</p>	II quarter 2016	<p>Note: the same activity is envisaged under chapter 23, Fight against corruption, 2.3.5.3.</p>	By-laws adopted;	Official Gazette of the Republic of Serbia	

Comment [A142]: Deleted. Finished and moved over to introductory

	2.3.5.3.						
6.2.7.4.	Strengthen material and technical capacities of the Directorate for the Administration of Seized Assets through the purchase of the software for recording seized property Note: the same activity is envisaged under chapter 23, Fight against corruption 2.3.5.4	Ministry of Justice , State secretary in charge of anticorruption Directorate for the Management of Seized and Confiscated Assets Director	I quarter 2017	Note: the same activity is envisaged under chapter 23, Fight against corruption 2.3.5.4.	Software installed	Reports of IT expert	
6.2.7.5	Strengthen the capacities of the Directorate for the Administration of Seized Assets through employment and training, particularly in the part relating to the management of property seized from legal entities Note: the same activity is envisaged	Ministry of Justice ., State secretary in charge of anticorruption Directorate for the Management of Seized and Confiscated Assets Director	Starting from I quarter 2016 Trainings continuously	Note: the same activity is budgeted under chapter 23, Fight against corruption, 2.3.5.5.	Training conducted	Reports on trainings	

	under chapter 23, Fight against corruption, 2.3.5.5.						
6.2.7.6	<p>Improve international cooperation by signing contracts with Directorates in the region and the EU</p> <p>Note: the same activity is envisaged under chapter 23, Fight against corruption, 2.3.5.6.</p>	Ministry of Justice , State secretary in charge of anticorruption Directorate for the Management of Seized and Confiscated Assets Director	Continuously	Note: the same activity is budgeted under chapter 23, Fight against corruption, 2.3.5.6.	Number of contracts concluded with the Directorates in the region and in the EU	Annual reports	
6.2.7.7.	<p>Strengthen capacity by recruiting new staff and training current staff</p> <p>Note: the same activity is envisaged under chapter 23, Fight against corruption, 2.3.5.7</p>	Ministry of Justice , State secretary in charge of anticorruption Directorate for the Management of Seized and Confiscated Assets Director	<p>I quarter 2017</p> <p>Trainings continuously</p>	Note: the same activity is budgeted under chapter 23, Fight against corruption, 2.3.5.7.	Training of Directorate staff conducted and positions filled	Reports on trainings conducted	
6.2.7.8	Conduct of analysis of the division of responsibilities and needs assessment for	Ministry of Interior Ministry of	December 2015	BUDGET (regular)/ OSCE	Analysis conducted	Written report of conducted analysis	

	capacity development regarding ARO functions (if possible in one institution) between Ministry of Interior- Financial Investigations Unit and Ministry of Justice -Directorate for the Management of Seized and Confiscated assets The same activity as 6.2.5.8.	Justice					
6.2.7.9	Establish ARO (Asset Recovery Office) within the Ministry of Interior- Financial Investigations Unit and if necessary in the Ministry of Justice - Directorate for the Management of Seized and Confiscated by amendments of the Law on the Seizure and Confiscation of the Proceeds from Crime, amend of by law stipulation	Ministry of Justice, Ministry of Interior - Financial Investigations Unit	June 2017	BUDGET (regular)(estimated value, depending on the outcome of the analysis)	Adopted Law and Rulebooks on systematization by which ARO is established	Official Gazette and Decision on adopted systematization by Government	

	internal organization of the Ministry of Interior and Ministry of Justice in order to harmonize with the Framework Decision 845/2007 JHA Link The same activity :6.2.5.9.						
6.2.7.10	Draft a proposal of the bylaws (internal Ministry of Interior and and if necessary in the Ministry of Justice acts) on acting of police officers and stuff in proactive investigations, in order to improve functioning of ARO Link The same activity :6.2.5.10	Ministry of Interior - Financial Investigations Unit, Ministry of Justice - Directorate for the Management of Seized and Confiscated	II quarter2016	BUDGET (regular)	Adopted bylaws	Signed instructive (internal) bylaws	
6.2.7.11	Strengthen capacities of MOI FIU in preparation for ARO through trainings Link The same	Ministry of Interior - Financial Investigations Unit,	Starting from October 2015 and	BUDGET (regular) TAIEX workshops	Staff educated on international co-operation Staff educated	Report of FIU of ARO Operationally	

	activity :6.2.5.11	<p>Ministry of Interior— Financial Investigations Unit,</p> <p>Ministry of Justice— Directorate for the Management of Seized and Confiscated</p>	continuously		<p>on methods of information exchange and spontaneous information exchange</p> <p>Staff educated on co-operation with other AROs</p> <p>Staff educated on methods of information exchange and spontaneous information exchange</p> <p>Staff educated on execution of confiscation orders</p>	TAIEX report	
6.2.7.12	Strengthen capacity of the Financial Investigations Unit within the Ministry of Interior, courts and prosecutor's offices	Ministry of Interior- Finance Sector, Ministry of Justice,	December 2015 and continuous training	DONATION/BUDGET (regular): 920 EUR for the year 2015.	10 employed police officers at the Ministry of Interior trained through	Reports on trainings conducted	

	through training	Ministry of Interior Directorate for the Management of Seized and Confiscated Assets, Judicial Academy		3.680 EUR for the year 2016. 3.680 EUR for the year 2017. 3.680 EUR for the year 2018. TOTAL: 11.960 EUR Link: activity 6.2.5.5. TAIEX in AP 24	TAIEX; 15 employed police officers at the Ministry of Interior through TAIEX workshops (for application of the new Law) trained; training for 20 prosecutors and judges per year conducted;		
6.2.7.13	Strengthen capacities by learning about the exchange of information at the international level, in accordance with the Framework Decision 2006/960/JHA Link: activity 6.2.5.5 AP 24 And Chapter 23	Ministry of Interior- Criminal Police Directorate Service for Combating Organised Crime, Head of Financial Investigations Unit	IV quarter 2015	Link: activity 6.2.5.5 AP 24	Best EU solutions and practice incorporated in proposed acts by responsible authorities	TAIEX expert report	

	activity						
	2.3.2.7						
6.2.7.14	<p>Improve legislation related to registration of business entities and non-governmental organizations and to beneficial ownership, particularly in relation to transparency of ownership and ease of access to such data by obliged entities.in line with the 4th Anti-money laundering Directive</p> <p>Link: AML/CFT Action Plan activity 2.2.3.1</p>	<p>Ministry of Economy,</p> <p>Ministry of Finance - Tax Administration,</p> <p>Business Registers Agency (BRA),</p> <p>Standing Coordination Group for monitoring the implementation of the National AML/CFT Strategy</p> <p>National Assembly</p>	<p>II quarter 2017</p>	<p>1.600.00013.227 EUR (information on best practices, public debate BUDGET)</p>	<p>Amendments to Law drafted and adopted</p>	<p>Official Gazette of the Republic of Serbia</p>	

6.2.8. RECOMMENDATION: 8	OVERALL RESULT	INDICATOR OF IMPACT
<ul style="list-style-type: none"> Adopt and implement a new Strategy and Action Plan for the prevention and the fight against 	Full harmonisation with the <i>acquis</i> in the field of trafficking in human beings and implementation of	Improved mechanisms for countering all forms of trafficking in human beings, in accordance with

<p>trafficking in human beings (including inter alia steps to further align with the <i>acquis</i>, steps to proactively 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</p>	<p>EU THB</p>	<p>EU standards, as an adequate response of the Republic of Serbia to the phenomenon of trafficking in human beings, in line with EU standards</p>
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.8.1	Adopt a new Strategy for the Prevention and Suppression of Human Trafficking	<p>Ministry of Interior</p> <p>Government</p>	<p>September 2015</p> <p>Implementation and</p>		<p>Strategy and Action Plan adopted by Government</p>	<p>Official Gazette of Republic of Serbia</p>	

	and Victim Protection in the Republic of Serbia for the period 2015 - 2020 and the initial Action Plan for its implementation for the period 2015 - 2016		Monitoring continuously till 2020				
6.2.8.2	Implement the new Strategy for the Prevention and Suppression of Human Trafficking and Victim Protection in the Republic of Serbia for the period 2015 - 2020 and the initial Action Plan for its implementation for the period 2015 -	Implementation Team (Ministry of the Interior-National THB coordinator, Public Prosecutor's Office, Centre for Human Trafficking Victims Protection, Ministry of Labour, Employment, Veteran and Social Policy, Ministry of Health, Ministry of Education, Ministry of Youth and Sports, Ministry of Finance, Ministry of Justice, Security Information Agency, CSOs)	September 2015 and beyond	<p>BUDGET (regular):</p> <p>81.000 EUR for the year 2015.</p> <p>58.674 EUR for the year 2016.</p> <p>58.000 EUR for the year 2017.</p> <p>58.000 EUR for the year 2018.</p> <p>Total 255.674 EUR</p> <p>BUDGET</p>	Action Plan activities implemented	Annual report on AP THB	

	2016		<p>(additional) -</p> <p>78.000 EUR for the year 2015. 78.000 EUR for the year2016.</p> <p>78.000 EUR for the year2017.</p> <p>78.000 EUR for the year2018.</p> <p>TOTAL BUDGET : 322.000 EUR</p> <p>DONATION/other resources</p> <p>745.121 EUR for 2015. 706.341 EUR for 2016</p> <p>IPA 2014 Action Document , Support to Home Affairs Sector</p>			
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				850.000 €			
6.2.8.3	Perform monitoring, reporting and evaluation according to the Strategy	Ministry of Interior - National Anti-Trafficking Coordinator	December 2015 June and December 2016 and beyond	BUDGET (regular) 3.974 EUR for the year 2015 3.974 EUR for the year 2016 TAIEX - 2.250 EUR for the year 2015. TAIEX - 2.250 EUR for the year 2016.	Evaluation in line with the indicators envisaged in Action Plan for implantation of Anti trafficking	Annual reports on AP THB	
6.2.8.4	Conduct an overall analysis of alignment of national legislation with the EU <i>acquis</i> in the anti-trafficking area, especially focused on the	Ministry of Interior - National Anti-Trafficking Coordinator in cooperation with other competent authorities and CSOs	Starting from October 2015 Conducted in March 2016	Budget - EUR 3.975 for 2015 EUR 1.987 for 2016 TAIEX EUR 4.500 - October 2015 TAIEX EUR 4.500 - December 2015 TAIEX EUR	Level of alignment established based on TAIEX experts' recommendations		

	Directive 2011/36/EU Directive 2004/81/EC , and Directive 2012/29/EU, including Amber alert			4.500 - February 2016			
6.2.8.5	Harmonize the legislative framework based on the analysis conducted	Ministry of the Interior / Minister's Office, in cooperation with, Ministry of Justice, Ministry of Labour, Employment, Veteran and Social Policy, Ministry of Health, Centre for Human Trafficking Victims Protection and CSO's	Second half of 2016 till accession to the EU	BUDGET (regular) 267.993 EUR for the year 2016	Amendments to the Criminal Code of the Republic of Serbia adopted, amendments to the Law on Social Care adopted, amendments to the Law on Free Legal Aid adopted, amendments to the Law on Foreigners adopted, amendments to the Law on Health Care adopted, amendments to the Criminal Procedure Code adopted	Official Gazette of Republic of Serbia	
6.2.8.6	Develop specific criteria to recognise human	Centre for Human Trafficking Victims Protection in cooperation with other competent	June 2015	Donations— IOM: Strengthening the system for the identification	Indicators defined;	-Publicly available on the website(s) of of Centre for Human Trafficking	

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	trafficking victims in order to enhance proactive identification in line with Strategy	authorities		and protection of victims of human trafficking. Project value amounts to 60.000 USD (approx. 46.500 EUR)		Victims Protection and other relevant institutions;	
6.2.8.67	Take steps towards proactive identification and due protection of human trafficking victims in line with the Strategy	Ministry of Labour, Employment, Veteran and Social Policy and Centre for Human Trafficking Victims Protection in cooperation with other competent authorities and CSOs	From June 2015 and beyond	Link: 6.2.8.2. And per year 180.000 EUR regular budget of Centre for Human Trafficking Victims Protection	Activities within Strategy under objectives 3 and 4 are implemented (Early entification of victims, support of victims in criminal proceedings, witness protection, improving victims status through compensation etc.)	Annual report on AP on THB	
6.2.8.78	Finalise the steps to appoint the Nacional Antitrafficking Coordinator in line with the Strategy	Ministry of Interior, Government	Upon the adoption of the Strategy	Budget RS	The Nacional Antitrafficking Coordinator appointed	Annual report on AP on THB	

Comment [A143]: Done and moved to introduction.

6.2.8.89	Enhance the capacities of police and prosecution through training and seminars intended for specialised police officers working on anti-trafficking cases and organised together with CSOs	Ministry of Interior /General Police Directorate/Criminal Police Directorate /Service for Suppression of Organized Crime Republic Public Prosecutor Office, Judicial Academy	March-III quarter 2016	Budget BUDGET (regular) - EUR 13.020 for the year 2015 IPA 2013 Fight against organized crime (human trafficking, drugs, trafficking illicit arms trafficking, financial investigation) – Twinning 1.500.000 EUR OSCE	Defined training plan by OSCE Trainings, seminars delivered	Reports on conduct trainings	
6.2.8.910	Develop a strategic picture in the field of human trafficking (strategic picture within SOCTA for Serbia)	Ministry of Interior	December 2015	Link: activity 6.2.1.5	Strategic picture developed ,First SOCTA	Annual report of MoI of THB cases and policies	
6.2.8.10+	Improve organisational capacities of	Ministry of Interior /General Police	Starting from May2015	OSCE – II quarter of 2015	Learned about the best practice in EU through the study	Rulebooks	

	the Criminal police by specialization of investigators at local and regional levels in the field of THB in line with EU best practices	Directorate/Criminal Police Directorate /Service for Suppression of Organized Crime	And beyond	BUDGET (regular)- 2.422 EUR – I quarter of the year 2016 Link: activity 6.2.8.2. equipment – donation/other resources IPA 2014 Action Document , Support to Home Affairs Sector - 1.500.000 EUR THB)	visit Amended rulebook on jobs and systematisation regarding the role of the Criminal police directorate in investigations in THB cases		
6.2.8.11+2	Conduct an analysis of the existing legislative and institutional framework for the establishment Joint Investigation teams in accordance with 2002/465/JHA	Ministry of Interior /General Police Directorate/Criminal Police Directorate/Service for Suppression of Organized Crime, Prosecutor office	Quarterly of 2017 and continuously	Proposed for IPA 2016-2017 Twinning contract light 2.000.000 EUR TAIEX Workshop 3.450 EUR	Conducted analysis	Report with recommendation from the conducted analysis	

6.2.8.12+ 3	Drafting bylaw concerning the methodology of working JIT in accordance with conducted analysis	Ministry of Interior /General Police Directorate/Criminal Police Directorate /Service for Suppression of Organized Crime, Republic public Prosecutor office, Ministry of Justice	II quarter of 2019	Proposed for IPA 2016 Twinning contract-light 2.000.000 EUR	Adopted bylaw and methodology	Signed instructive (internal) bylaw and methodology	
6.2.8.13+ 4.	Strengthening technical capacity of the Ministry of Interior for the implementation JIT in THB	Ministry of Interior /General Police Directorate/Criminal Police Directorate for Suppression of Organized Crime Directorate	II-IV quarter of 2019 2020	Proposed for IPA 2016 Twinning contract-light 2.000.000 EUR - Proposed for IPA 2017 equipment 1.500.000 EUR (Link to Activity 6.2.5.6)	Purchase of technical equipment, training of equipment users	Installation of technical goods	
6.2.8.14+ 5	Strengthening human capacity in conducting THB	Ministry of Interior /General Police Directorate/Criminal Police Directorate	Starting from 2016 and further	Proposed for IPA 2016 Twinning contract-light 2017 Twinning contract-light	At least 40 officers working on THB cases educated and continuation of trainings	Report from workshops trainings study visit	

	investigations through trainings	/Service for Suppression of Organized Crime, Prosecutor office		2.900.000 EUR Workshops Trainings Expert mission Study visit			
6.2.8.15+ 6	Establishing office for the National Rapporteur	Government	During 2019	BUDGET (regular)	The National Rapporteur institution established	Official Gazette of Republic of Serbia	

6.2.9.1 RECOMMENDATION: 9	OVERALL RESULT	INDICATOR OF IMPACT
• Provide further specialised training and enhance the capacity of law enforcement bodies in charge of fighting cyber criminality;	Enhanced level of training and experience of all employees; Appropriate models for implementation, monitoring and evaluation developed; better equipment	The level of skills and performance quality of all employees; the extent to which the appropriate implementation, monitoring, and evaluation mode is provided for; better equipment

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.9.1.1	Draft proposal of the relevant by-laws in order to enhance organisational, human resource, and technical capacities against cyber crime	Ministry of Interior - Service for Combating Organised Crime , Ministry of Justice, Public Prosecutor's Office - Cyber Crime Prosecutor's Office, State Prosecutorial Council, Ministry of Finance	September 2015	BUDGET (regular) 4.968 EUR	Relevant by-legislation adopted	Official Gazette of the Republic of Serbia	
6.2.9.1.2	Strengthen capacities of the Special Prosecutor's Office for Cyber crime	Ministry of Justice , State Prosecutorial Council, Public Prosecutor's Office	June of 2016	BUDGET (additional) - Recruitment of new employees (7) 106.272 EUR for the year	Systematisation extended by 2 deputy public prosecutors, 2 prosecutors' assistants, 3 administrative staff members Adequate material and technical	Official Gazette of the Republic of Serbia Equipment procurement reports	

			<p>2016.</p> <p>106.272 EUR for the year 2017.</p> <p>106.272 EUR for the year 2018.</p> <p>TOTAL BUDGET(2015-2018)345.384 EUR</p> <p>Equipment TBD (existing resources)</p> <p>TAIEX:</p> <p>7.800 EUR for the year 2016</p> <p>7.800 EUR for the year 2017</p> <p>7.800 EUR for the year 2018</p> <p>TOTAL: 23.400 EUR</p>	<p>conditions created</p>	<p>TAIEX Project Report</p>	
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6.2.9.1.3	Strengthen capacities of Special Prosecutor's Office for Cyber crime, the Special Police Unit for Cyber crime, courts and other relevant institutions through trainings	Judicial Academy, Ministry of Interior Directorate for Education, Professional Training, Development and Science	2015 and continuously	BUDGET (regular) TAIEX Study visits	The law enforcement bodies in charge of fighting cyber criminality trained	Annual reports	
6.2.9.1.4	Establish a specialised Section for investigations of abuse and of credit cards, e-commerce and e-banking within the Ministry of Interior - Service for Combating Organised Crime – Department for cybercrime cyber crime (envisaged)	Ministry of Interior	4q of December 2015 - 1 + 5 relocation Mid-II quarter 2016 - 6 relocation Mid-II quarter 2017 - 7 relocation Mid 2018 - 7 relocation purchase of equipment, refurbishing of	BUDGET (regular) - transfers of employees (26) Training: TAIEX 3.000 EUR for the year 2015. 4.000 EUR for the year 2016.	Section established Material and technical capacities for best performance developed	Annual report MoI	

	<p>number of work places is 26 (1 + 25), i.e. 1 manager, 15 staff members for criminal investigations and 10 member staff for seizure and analysis of digital evidence (digital forensics),</p>		<p>offices, etc. to be done successively as the recruitment in 2015-2019 continues</p>	<p>4.000 EUR for the year 2017. 4.000 EUR for the year 2018. TOTAL BUDGET 15.000 EUR TAIEX workshops : 6.450 EUR for the year 2015. 6.450 EUR for the year 2016. 6.450 EUR for the year 2017. 6.450 EUR for the year 2018. TOTAL 25.800 EUR Proposed for IPA 20162017 1.500.000 EUR Link with</p>			
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				activity 6.2.4.11. Equipment existing resources for 26 employees TBD			
6.2.9.1.5	Establish a specialised Section for suppressing illicit and harmful content on the internet within the Ministry of Interior - Service for Combating Organised Crime – Department against cybercrime (this section	Ministry of Interior	4q December 2015 - 6 (1 + 5) relocation Mid-II quarter 2016 - 5 relocation Mid-II quarter 2017 - 5 relocation Mid 2018 - 5 relocation purchase of	budget BUDGET (regular) - transfers of 21 employees Training TAIEX: 3.000 EUR for the year 2015. 4.000 for the year 2016	Section established Material and technical capacities for best performance developed	Annual report MoI	

	<p>would also handle child pornography investigations), (envisaged number of work places is 21 (1 + 20), i.e. 1 manager and 10 staff members for criminal investigations and 10 member staff for seizure and analysis of digital evidence (digital forensics), and establishment of an automated support system for this Section (Computer system for analysis of photo and video materials with child pornography)</p>	<p>equipment, refurbishing of offices, etc. to be done successively as the recruitment in 2015-2018 progresses</p>	<p>4.000 EUR for the year 2017</p> <p>4.000 EUR for the year 2018</p> <p>TOTAL BUDGET 15.000 EUR</p> <p>TAIEX workshops 6.450 EUR for the year 2015,</p> <p>6.450 EUR for the year 2016,</p> <p>6.450 EUR for the year 2017.</p> <p>6.450 EUR for the year 2018</p> <p>TOTAL BUDGET: 25.800 EUR</p> <p>Equipment existing</p>			
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				resources for 21 employees TBD			
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6.2.9.2 RECOMMENDATION: 9	OVERALL RESULT	INDICATOR OF IMPACT
Harmonisation of Serbian legislation with the <i>acquis Directive 2013/40</i> and EU standards in the field of fight against cyber crime – RECOMMENDATION FROM THE TEXT	Full harmonisation with the <i>acquis</i> in the field of cyber crime	Improved mechanisms for countering all forms of cyber crime, in accordance with EU standards

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.9.2.1	Analyse the current legislative framework in order to determine the level of its alignment with the <i>acquis</i> and EU standards	Ministry of Justice, Ministry of Trade, Tourism and Telecommunications, Ministry of Interior, Public Prosecutor's Office	June 9 <u>I quarter of 2016</u>	BUDGET (regular) 1.490 EUR for the year 2015 TAIEX 13.500 EUR for the year 2015	Analysis conducted	TAIEX Project report	
6.2.9.2.2	Draft a proposal of the laws and by-laws based on the analysis conducted	Ministry of Justice, Ministry of Interior, Ministry of Trade, Tourism and Telecommunications,	December <u>IV quarter of 2016</u>	BUDGET (regular)	Legislation and by-legislation adopted	Official Gazette of the Republic of Serbia	

Comment [A144]: Date changed

Comment [A145]: Date changed

		Public Prosecutor's Office					
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6.2.9.3 RECOMMENDATION: 9	OVERALL RESULT	INDICATOR OF IMPACT
Strengthening cooperation among state authorities and with civil society institutions in fighting cyber crime RECOMMENDATION FROM THE TEXT	Enhanced cooperation among state authorities and with civil society institutions in fighting cyber crime; enhanced level of efficiency of state authorities	Level of efficiency of state authorities in fighting cyber crime and sexual exploitation of children, level of increase in transparency, level of civil society participation

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.9.3.1	Develop and sign Agreements on cooperation among state authorities and with civil society institutions in fighting cyber crime	Ministry of Justice, Public Prosecutor's Office, Ministry of Interior, etc.	December 2015	BUDGET (regular) 994 EUR for the year 2015	Agreements on cooperation signed	Annual reports on cooperation	

6.2.10.1.RECOMMENDATION: 10	OVERALL RESULT	INDICATOR OF IMPACT
• 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	Full alignment with the <i>acquis</i> based on a roadmap specifying different steps	Republic of Serbia is an equal partner to EU member states and Western Balkans countries in the prevention and fight against illicit trafficking in firearms

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.10.1.1	Learn about the best solution for establishing a closer and faster cooperation and exchange of experience and information with the EU and other countries	Ministry of Interior, Criminal Police Directorate, Service for Combating Organised Crime - Head of Section for the suppression trafficking of arms and dangerous substances	May 2015	TAIEX - 3.000 EUR for the year 2015	The best EU solutions and practices recognised	Report of study visit	
6.2.10.1.2	Appointment of	Ministry of	March 2015	No Costs	Compiled list of	Annual Ministry	

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Comment [A147]: Achieved? If so move to the introduction.

Comment [A148]: Yes. Moved to introduction.

	police officers on national and regional level for the purpose of specialisation through workshops aimed to increase the flow of information and intelligence regarding the illicit trafficking in firearms	Interior, Criminal Police Directorate, Service for Combating Organised Crime—Head of Department for the suppression of general organised criminality			police officers (2 per each regional Police Administration, i.e. 27 regional PA; plus 2 per units in the MoI HQ in charge of weapons smuggling related issues—in total 60 persons for the whole territory of the Republic of Serbia)determined for exchange of information and intelligence regarding illicit trafficking in firearms	of Interior Report	
6.2.10.1.3	Draft a proposal of the internal act about procedure of exchange of information and intelligence	Ministry of Interior, Criminal Police Directorate, Service for Combating Organised Crime—Head of Department for the suppression of general	April 2015	TAIEX	Internal Act adopted	Instruction	

Comment [A149]: Done? If so, move to the introduction

Comment [A150]: Done and moved to Introduction

		organised criminality					
6.2.10.1. 14	Improve the exchange of information and intelligence through participation in the South-East European Expert Group on Firearms and European Firearms Expert Group	Ministry of Interior, Criminal Police Directorate, Service for Combating Organised Crime - Head of Department for the suppression of general organised criminality	Continued Continuously	No Costs	Signing of the Memorandum on the establishment of the Expert group Designation of the Expert group contact point Amount of information exchanged	Annual Ministry of Interior Report	
6.2.10.1. 25	Strengthen capacities on regional level through workshop on the role of legal entities being the source of information in the suppression of illicit arms trade	Ministry of Interior, Criminal Police Directorate, Service for Combating Organised Crime - Head of Section for the suppression trafficking of arms and dangerous substances, Administrative Affairs Directorate, in	October 2015 February 2016	TAIEX 2.450 EUR for the year 2015 TAIEX 2.450 EUR for the year 2016	30 employees trained 30 employees trained	TAIEX report	

		cooperation with other competent institutions					
6.2.10.1.36	Strengthen capacity of dedicated teams on cooperation opportunities by South East European Expert Group on Firearms	Ministry of Interior, Criminal Police Directorate, Service for Combating Organised Crime - Head of Section for the suppression trafficking of arms and dangerous substances	September of 2015	TAIEX 2.250 EUR BUDGET (regular) 1.800 EUR for the year 2015	30 employees trained	Workshop report	
6.2.10.1.47	Improve visibility and cooperation between dedicated team with all competent authorities and relevant third parties in society (manufactories, producers, association	Ministry of Interior, Criminal Police Directorate, Service for Combating Organised Crime - Head of Section for the suppression trafficking of arms and dangerous substances	October 2015 and after	BUDGET (regular) 332 EURper year	Visit and established contact between dedicated teams, between competent authorities and third parties	Annual report	

6.2.10.1. 58	Specialise police officers through workshop in order to enable functioning of dedicated team with aim to increase the flow of information and intelligence regarding illicit trafficking in firearms	Ministry of Interior, Criminal Police Directorate, Service for Combating Organised Crime - Head of Section for the suppression trafficking of arms and dangerous substances	IV quarter 2016	IPA 2013 fight against organized crime – Twinning 1.500.000 EUR	Workshop held, number of educated police officers 80	Training report	
6.2.10.1. 69	Specialization of criminal police officers in local and regional units of the MoI to conduct proactive, reactive and parallel investigations of weapons smuggling	Ministry of interior, Criminal Police Directorate, Service for combating organised crime	December 2017 and continuously	TAIEX 3.450 EUR Will be proposed for IPA 2016 2017 Twinning contract light 2.005 0.000 EUR	Trained officers	Report from workshop	

6.2.10.1.740	Increasing administrative capacity for by conducting investigations and collecting evidence with the application of special evidence measures in cases of international arms smuggling by obtaining new employees in accordance with new internal act on systematization of workplaces	Ministry of interior, Criminal Police Directorate, Service for combating organised crime	IVquarter 2016	BUDGET (regular)	Increased number of international arms smuggling investigations	Report of Mol	
6.2.10.1.11	Informing about the role of EUROPOL in fight against illicit firearms trafficking through study	Ministry of interior, Criminal Police Directorate, Service for combating organised crime	June 2015	BUDGET (regular)/ OSCE	Improved knowledge of EUROPOL role in fight against illicit firearms trafficking		

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	visit						
6.2.10.1.842	Sign working arrangements on joining EUROPOL Firearms focal point; link with Activity 6.1.1.7	Ministry of interior, Criminal Police Directorate, Service for combating organised crime, International Operational Police Cooperation Department; link with Activity 6.1.1.7	June December 2015	BUDGET (regular) 207 EUR for the year 2015 In line with activity 6.1.1.7	Increased number of information exchanged through SIENA, number of information sent to EUROPOL focal point for firearms from Criminal police directorate through EUROPOL (contribution)		
6.2.10.1.943	Learning about best practice of investigations dealing with deactivated weapons	Ministry of interior, Criminal Police Directorate, Service for combating organised crime	I quarter 2016	Workshops for 30 police officers TAIEX 2.250 EUR BUDGET (regular)1.800 EUR (2015-2016)/OSCE	30 educated police officers		

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6.2.10.2.RECOMMENDATION: 10	OVERALL RESULT	INDICATOR OF IMPACT
Legal harmonization in the field of firearms acquisition and possession	Full harmonisation with the <i>acquis</i> in the field of acquisition and possession of firearms	General security of citizens increased by decreased number of weapons in illegal possession and abuse of weapons in legal possession

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.10.2.1	Strengthen capacities by training of staff on application of the new Law on Weapons and Ammunition	Ministry of Interior - Administrative Affairs Directorate, assistant head of directorate	September 1 <u>quarter of 2016</u>	BUDGET (regular) 48.672 EUR for the year 2015 DONATIONS: UNDP (SEESAC)	Training programme designed and adopted; 10 seminars held - 331 trained officer working on weapons issues	Report on conducted training	
6.2.10.2.2	Establish new IT system for processing of requests received and issuing documents so as to be consistent with the adopted Law	Ministry of Interior - Administrative Affairs Directorate, assistant head of directorate and IT Directorate	I quarter of 2016	DONATIONS: UNDP (SEESAC) – hardware and software from the project -TBD	New system for the implementation of the new Law established	Report of Ministry of Interior SATIT	

Comment [A154]: changed time frame

6.2.10.2.3	Strengthen capacities by training employees on the application of the new system for the processing of requests received acquisition, registration and carrying weapons and issuing documents	Ministry of Interior - Administrative Affairs Directorate, assistant head of directorate and IT Directorate	II quarter of 2016	BUDGET (regular) 48.960 EUR for the year 2015 DONATIONS: UNDP (SEESAC) – hardware and software from the project - TBD	18 seminars held - 331 officer working on weapons trained	Report on conducted trainings	
6.2.10.2.4	Learning about EU legal framework of deactivated weapons through study visit	Ministry of Interior - Administrative Affairs Directorate, assistant head of directorate	September 2015	TAIEX 3.000EUR for the year 2015	Study visit performed		
6.2.10.2.5	Adoption of Rulebook on Deactivated Weapons and other Rulebooks foreseen by Law on Weapons and Ammunition	Ministry of Interior - Administrative Affairs Directorate, assistant head of directorate and Ministry of Health	March 2016	No cost	Rulebooks adopted		
6.2.10.2.6	Adoption of new SALW	Ministry of Interior and other	December 2015	BUDGET (regular) 2.898	Strategy and Action Plan		

	control Strategy and Action Plan	relevant national authorities		EUR for the year 2015	adopted		
6.2.10.2.7	Monitoring of the implementation of SALW Strategy and Action Plan	Ministry of Interior	January 2016 - 2021	BUDGET (regular) 4.140 EUR per year TOTAL BUDGET (2016-2021) 24.840 EUR	Level of achievement of Strategy and Action Plan goals		

6.2.11.RECOMMENDATION: 11	OVERALL RESULT	INDICATOR OF IMPACT
Propose measures to strengthen the effective protection of witnesses	Full alignment with the <i>acquis</i> in witness protection	Procedural and non-procedural witness protection improved

Comment [A155]: Harmonized with AP 23

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
6.2.11.1	<u>Conduct an independent and impartial assessment of</u>	Ministry of Interior, WPU, Commission for implementation	Continuously commencing from IV th quarter 2015	BUDGET(regular) 8.642 EUR for the year 2015	Analysis conducted	Annual Report of the MoI Unit for Protection	

<p><u>conduct and work of the Ministry of Interior's „Witness protection Unit“ (WPU) in order to determine potential needs for Unit's reform, as well as corrective measures, particularly focusing on:</u></p> <p><u>- whether the process of hiring staff should be improved</u> (whether possible previous participation of the candidates in armed conflict in former Yugoslavia</p>	<p>of witness protection Programme</p>		<p>Costs will be specified after conducting the analysis</p> <p>Link activity 1.4.4.2. in Chapter 23, Section War Crime</p>			
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<p>should be an obstacle in the selection process);</p> <p>- <u>concrete working methodology, content and procedures in the WPU's work;</u></p> <p>- <u>material-technical capacities</u></p> <p>-<u>establishment of joint working teams and procedures between the WCP, POOC and WPU.</u></p> <p><u>Link activity 1.4.4.2. in Chapter 23,</u></p>						
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	Section War Crime						
6.2.11.2	<p>Implementation of measures to improve the status and capacity of Witness protection Unit in accordance with the results of the analysis (report)</p> <p>Link to 1.4.4.2. Chapter 23 (War Crimes)</p>	Ministry of Interior, Unit for Protection	December of 2016 and till accession to EU	BUDGET (regular)	All recommendation implemented	Annual report of the MOI Unit for Protection	
6.2.11.3.	Amend the Rulebook on the Internal Organisation and Systematisation of Workplaces in the Ministry of Interior relating to the tasks and organisation of the Unit for Protection in	Ministry of Interior, Unit for Protection	Starting from July 2015 and continue after analysis	BUDGET (regular) 3.726 EUR	Rulebook on the Internal Organisation and Systematisation of Workplaces in the Ministry of Interior adopted	<p>Report on conducted WINPRO II specialised trainings</p> <p>-MOI Report on conducted trainings</p>	

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	order to increase number of staff and to include specialists from other police departments on psychology and social sciences, and IT expert						
6.2.11.4.	Implement revised Act on Internal Organisation and Systematisation of Workplaces – transfer of employees from other Units in the Ministry of Interior in order to increase number of staff and to include specialists from other police departments on psychology and social sciences, and IT expert	Ministry of Interior, Unit for Protection	Starting from September 2015 and continue continuously after analysis	BUDGET (regular) 2.320 EUR per year	Relocated employees to the MoI Unit for Protection	Annual report of the MOI Unit for Protection	
6.2.11.5	Improve professional capacities of the Unit for	Ministry of Interior Witness Protection Unit,	- On-going until 1.1.2016	- NI-CO (Northern Ireland) Budget, and donations EU Project on	-WINPRO II specialised trainings	Annual report of the MOI Unit for	

	Protection through training	through) through EU Project on Cooperation in Criminal Justice: Witness protection in the fight against serious crime and corruption (WINPRO II) implemented with NI-CO (Northern Ireland) -Ministry of Interior Administration for education, training, specialisation and science for continuously training	- Continuously as of 2016	Cooperation in Criminal Justice: Witness protection in the fight against serious crime and corruption (WINPRO II) BUDGET (regular)	delivered, -Training Directorate's trainings delivered	Protection	
6.2.11.6.	Enhance material and technical capacities of the Unit for Protection	Ministry of Interior, Unit for Protection	Starting from December 2015 and continue <u>continuously</u> after analysis	BUDGET (regular) (re-assigning of existing MOI equipment) - WINPRO donation	Witness Protection Unit equipment improved (with communication devices vehicles,	Report on the analysis	

					security, tactical equipment IT equipment)		
6.2.11.7	Provide adequate offices to the Unit for Protection	Ministry of Interior, Unit for Protection	Starting from September 2015 and continuously after analysis	BUDGET (regular)-existing premises TBD	Adequate and isolated premises in line with EU standards for the Unit for Protection in place		
6.2.11.8	Conduct comprehensive analysis on best applicable practices for witnesses and victims support in investigative phase and all phases of criminal proceeding, including: -legal aspects (current normative and institutional framework, best comparative solutions, international	Ministry of Justice and all other relevant state institutions, with the cooperation of CSO's	2016	TAIEX-2.250 EUR for the year-2016 World bank/BUDGET (regular)	Analysis conducted, identifying in particular: - necessary normative changes; - structure of financial needs for achieving sustainable funding; - Adequate location of witnesses and victims support services across country.		

	<p>standards);</p> <ul style="list-style-type: none"> - financial assessment (sustainable funding, adequacy of premises and staffing, training needs); - access to support services (network span, distance, mobile support teams), <p>in order to establish a country-wide network of witnesses and victims support services.</p> <p>Link with activity 3.7.1.20.</p>						
6.2.11.9	Implementation	Ministry of	Starting from	BUDGET	All		

	<p>of recommendations from the Analysis made in activity 6.2.11.6</p> <p>Note: Link to activities 1.4.4.6. and 1.4.4.7. Chapter 23</p>	Justice and other relevant institutions	conducted analysis and till accession to EU	(regular)/DONATION, IPA projects to be applied for, and to be anticipated	recommendations implemented		
6.2.11.10	<p>Activities aimed at establishing and improvement of the Service for the support and assistance to victims/witnesses and national wide network, based on results of the previous analyses, and taking into account already established S ervices for the support and assistance to victims in courts</p>	<p>Ministry of Justice</p> <p>-High Judicial Council</p> <p>-State Prosecutorial Council</p> <p>-Supreme Court of Cassation</p> <p>-Republic Public Prosecutor's Office</p> <p>-WPO</p>	<p>Continuously, starting from I quarter of 2016</p> <p>Link : the same activity in Chapter 23 – War crimes section</p> <p>1.4.4.3</p> <p>III quarter of 2015</p>	<p>BUDGET (regular)/ and IPA 2016</p> <p>Link : the same activity in Chapter 23 – War crimes section</p> <p>1.4.4.3</p> <p>BUDGET (regular)/Link : the same activity in Chapter 23 – War crimes section</p>	<p>The service for the support and assistance to witnesses and victims national wide network, established and being improved, based on results of the previous analyses, and taking into account already established services for the support and assistance to</p>		

<p>and <u>public prosecutor's offices.</u></p> <p><u>Link : the same activity in Chapter 23 – War crimes section</u></p> <p>1.4.4.3</p> <p>Amendments of the Rulebook of the organization of the Higher Courts witness and victim support</p> <p><u>Link : the same activity in Chapter 23 – War crimes</u></p>	<p><u>-Prosecutor's Office for Organized Crime</u></p> <p>Higher court in Belgrade, War Crime Chamber</p> <p>Ministry of Justice,</p> <p><u>Link : the same activity in Chapter 23 – War crimes section</u></p> <p>1.4.4.3</p>	<p>Recruiting a psychologist and providing adequate staffing – continuously commencing from 1 quarter of 2016</p> <p><u>Link : the same activity in Chapter 23 – War crimes section</u></p> <p>1.4.4.3</p>	<p>1.4.4.3</p>	<p>witnesses and victims in courts and public prosecutor's offices.</p> <p><u>Link : the same activity in Chapter 23 – War crimes section</u></p> <p>1.4.4.3</p> <p>Rulebook of the organization of High Court regarding enhanced the capacity of the witness and victim support service amended</p> <p>Psychologist</p>		
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Comment [A156]: meaning in practice what...?

	section 1.4.4.3				hired Link : the same activity in Chapter 23— War crimes section 1.4.4.3		
6.2.11.11	Develop Victim Witness Support Service at the Organized Crime Prosecutors Office	Republic Public Prosecutors Office (RPPO) Organized Crime Prosecutors Office (OCPO)	Starting from II quarter 2016 -on IV quarter 2016	BUDGET (regular)/TAIEX IPA Twinning to be applied for	Victim Witness Support Service at the Organized Crime Prosecutors Office established		
6.2.11.12	Adopt adequate implementing laws to effectively implement the change of identity as protective measure for witnesses and development of a Protocol on mandatory provision of	- Ministry of Justice and all relevant state organs that have any jurisdiction over the issue - Prosecutor's Office In cooperation with the Service for the support to victims and	II-IV quarter of 2015 - IV quarter of 2016 Link to activity 1.4.4.5 in Chapter 23	Link to activity 1.4.4.5 in Chapter 23	Link to activity 1.4.4.5 in Chapter 23		

	<p>information to victims about all aspects of the trial that are of interest to the victims, (decision, the release of the accused from detention, serving of sentence by a convicted, etc.) in accordance with Article 26 of the Directive 2012/29 / EU.</p> <p>Link to activity 1.4.4.5 in Chapter 23 Adopt adequate laws to effectively change the identity as a protective measure for witnesses</p> <p>Link to activity 1.4.4.5 in</p>	<p>witnesses</p> <p>Ministry of Justice, Ministry of Interior, Ministry of Education, Ministry of Public Administration and Local Self Government and other relevant institutions</p>					
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7. FIGHT AGAINST TERRORISM

CURRENT STATE OF PLAY:

The current legal framework of the Republic of Serbia that regulates the field of counterterrorism (prevention and repression) is mostly harmonized with international standards and the European Union (EU) *acquis*.

In past few years capacities have been increased in this regard, both normatively and institutionally, through definition of goals of security policies, building of security system, cooperation upgrade and evolvement of responsibility of all actors in counterterrorist functioning, application of preventive and repressive measures in prevention and deterrence of concrete terrorist intentions through the application of international legal standards from this field, as well as through safeguarding of efficient international cooperation.

The Republic of Serbia has carried out an analysis of the compatibility of national legislation within area of fight against terrorism with Council Framework Decision 2002/475 / JHA of 13 June 2002 on combating terrorism as amended by Council Framework Decision 2008/919 / JHA of 28 November 2008. The result of the performed analysis indicates full compliance with this framework decision.

Enhancing legal capacities and resilience in tackling security challenge posed by the phenomenon of Foreign fighters, Serbia has transposed the provisions of UNSC Resolution 2178(2014) in its national legislation to a large extent, amending its Criminal Code. On 10 October 2014, a Law on Amendments to the Criminal Code has been adopted in the National Assembly of the Republic of Serbia, by which two new criminal offences have been stipulated in Chapter 34: Criminal offences against humanity and other goods protected by international law. Those are criminal offence Participation in war or armed conflict in a

foreign country (article 386a) and Organizing of participation in war or armed conflict in a foreign country (article 386b). Sanction for the first said criminal offense shall be imprisonment of six months to five years for a citizen of the Republic of Serbia who participates in war or armed conflict in a foreign country as a member of military or paramilitary formations of conflicting sides, on condition that he or she is not citizen of that foreign country or a member of official mission of international organization Serbia is member of. In addition, should this criminal offence be executed in a group, it is stipulated that the perpetrator shall be punished by imprisonment of one to eight years. Sentence stipulated for the second said criminal offence is imprisonment of two to ten years for whoever, in the Republic of Serbia, with aim to perpetrate criminal offence Participation in war or armed conflict in a foreign country, recruits or incites another person to perpetrate that criminal offence, organizes a group or trains another person or a group to perpetrate that offence, equips or makes the equipment available for the perpetration of that offence or provides or collects means for the perpetration of that offence. Furthermore, the perpetrator shall be punished with the said sentence even when the persons he organizes are not citizens of the Republic of Serbia.

The transposition of UNSC Resolution 2178(2014) in its national legislation has been complemented by its full implementation. The Sector of Criminal Police, that operates within Serbian Ministry of Internal Affairs and is in charge of combating terrorism and extremism, has thus already raised several criminal charges against individuals suspected of terrorist association (Article 393a of Serbian Criminal Code) in relation to criminal acts of Terrorism (Article 391 of Criminal Code), Recruitment and Training for Committing Terrorist Acts (Article 391b of Criminal Code), Public Inspiring for Committing Terrorist Acts (Article 391 of Criminal Code) and Terrorism Financing (Article 393 of Criminal Code). Criminal charges were directed against terrorist organizations that are active in Syria and Iraq. Based on these criminal charges, the Prosecutor's Office in charge of organised crime in Belgrade raised indictments against five individuals suspected of committing the above-mentioned criminal acts.

With the aim to enhance capacities of the Republic of Serbia in responding to contemporary challenges of this global security threat even further, enacting of a national strategy to prevent and fight against terrorism which will offer grounds to develop a strategic component in order to prevent radicalisation which may lead to terrorism and extreme violence as well as corresponding action plans for their implementation is expected to take place in due time, according to this plan. A real challenge presents the setting-up of a strategic framework to prevent radicalisation which may lead to terrorism which will require a wide inter-ministerial cooperation and coordination as well as cooperation with private sector and civil society. Grounds for this strategic framework will be set by the national strategy to prevent and fight against terrorism. [Anti – terrorism strategy will indeed contain dedicate measures on the prevention of radicalisation.](#)

Also the strategy will include technical assistance introducing a multi-disciplinary preventive approach through training of frontline workers which will consider communication between institutions and civil society. MoI, Republic of Serbia took participation in the project „First line Practitioners Dealing with Radicalization Issues – Awareness Raising and Encouraging Capacity Building in the Western Balkan Region“, project proposal was submitted by Republic

Comment [A157]: Since there are no dedicated measures in this AP on the prevention of radicalisation, we will want to make sure that the new anti-terrorism strategy does indeed contain dedicated measures.

Comment [A158]: . [Anti – terrorism strategy will indeed contain dedicate measures on the prevention of radicalisation.](#)

of Slovenia to the EC.

Serbia conducted a National Terrorist Financing Risk Assessment in early 2014 which also provided input for the draft National AML/CFT Strategy and Action Plan. Serbian AML/CFT system has terrorism financing preventive measures in place, as provided for under the Law on the Prevention of Money Laundering and Terrorism Financing. The National AML/CFT Strategy and Action Plan, which was adopted at the Government session on 31 December 2014 and published in Official Gazette of the Republic of Serbia no. 3/2015, provides for a specific objective on full understanding of TF risks, as well as measures to improve the quality of suspicious transaction reporting (STRs), supervision, processing of STRs received by the Administration for the Prevention of Money Laundering, cooperation between the relevant authorities, and countering the financing of terrorism (CFT) training. Measures to improve awareness on the proliferation of weapons of mass destruction has also been provided for. Serbia intends to approach European Union and other international partners with requests for funding of prioritized projects in CFT as set out in the National AML/CFT Strategy and Action Plan.

Furthermore, the law on international restrictive measures and the law on restriction of access to property are ready to enter legislative procedure with the aim to prevent terrorism, and those are implemented on the bases of relevant UNSC resolutions and acts of other relevant international organizations that the Republic of Serbia is a member. The Law on Freezing of Assets for the Purpose of Preventing Terrorism was adopted by National Parliament on 20 March 2015, and it was published in Official Gazette of the Republic of Serbia no. 29/2015.

Furthermore, there is a need of the Republic of Serbia to develop a unique national data base in this field functional, to establish efficient procedures in data exchange, to modernize organization of state actors that are primarily competent for these matters and to make cooperation between competent agencies and services more operational and efficient. [Permanent Joint task force for the fight against terrorism established on January 2015](#). [Training of police officers about the methods of operation of Europol and possibilities offered by the Agreement on operational and strategic cooperation between Serbia and Europol delivered January 2015 and training of accessing and gathering of all relevant terrorism-related information, according to the Council Decisions 2005/671/JHA and 2009/371/JHA delivered May 2015](#).

Comment [A159]:

Comment [A160]: Moved –delivered activities

Alike in the field of the fight against organised crime, competent law enforcement agencies shall take into account the systematic use of threat and risk assessments and base their actions on the intelligence-led policing as well as establish a track record of proactive investigations and final convictions.

Finally, more efforts are needed to align Serbian legislation and capacities with Directive 2008/114/EC as concern the identification and designation of European Critical Infrastructure (ECI) and the assessment of the need to improve their protection.

Having in mind what we achieved and all activities that we planned in AP we will be able in this challenging and dynamic surrounding to give the best answer on the field of the fight against terrorism.

Between 21 and 23 of January 2015 TAIEX planned expert mission was successfully conducted. The objective of the mission was to scrutinize the AP fight against terrorism and to give advice, if necessary.

7.1. RECOMMENDATION: 1	OVERALL RESULT	INDICATOR OF IMPACT
• Adopt and implement a new comprehensive strategy and action plan to prevent and fight terrorism	Alignment with the EU CT strategy and action plan, as well as with international standards	More efficient and effective policies in the fight against terrorism Progress reports prepared by the European Commission

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCES OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
7.1.1.	Draft proposal National Strategy and Action Plan to prevent and fight against terrorism (based on the model Prevent-Protect-Pursue-Respond , including the topic of foreign	Working group - chairman of the working group; Ministry of Justice, Ministry of Interior, Ministry of Finance; Ministry of Defence:	December 2015 June 2016	BUDGET (regular) 4.121 EUR for the year 2015 TAIEX 6.000 for the year 2015	National Strategy and Action Plan for the prevention and fight against terrorism adopted by Government	Official Gazette of the Republic of Serbia	

Comment [A161]: Date is changed from Dec 2015 to June 2016

	terrorist fighters, radicalisation and communication)	Military Security Agency, Military Intelligence Agency and other competent organisational units; Security Information Agency; Civilian Aviation Directorate; Office of the Council on National Security and Classified Information Protection					
7.1.2.	Implement the National Strategy & AP to prevent and fight against terrorism	Working group defined under the 7.1.1 National Strategy	5 years from adoption (2016-2020)	TBD for implementation 8.280 EUR – per year – This includes costs of working groups	Implementation of planned activities within the set timeframe	Progress reports prepared by the European Commission Report on AP	
7.1.3	Conduct reporting and evaluation concerning the implementation of the National Strategy to prevent and fight	Working group for monitoring and evaluation	Based on the timeframes set in the strategy	BUDGET (regular) (2015-2018) 2.156 EUR for the year 2015.	Report conducted Evaluation within the timeframes specified in the strategy based	Reports of the working group	

	against terrorism			2.156 EUR for the year 2016. 2.156 EUR for the year 2017. 2.156 EUR for the year 2018. TOTAL BUDGET (2015-2018) 8.624 EUR	on the Report		
7.1.4	Draft a proposal for National Strategy and Action Plan on the fight against money laundering and the financing of terrorism	Ministry of Finance: Administration for the Prevention of Money Laundering - Director of the Administration	June 2015	BUDGET (regular) 12.722 EUR for the year 2015	Standing Coordination Group set up; National Strategy and Action Plan for the fight against money laundering and the financing of terrorism adopted by the Government.	Official Gazette of the Republic of Serbia	Adopted by the Government of the Republic of Serbia on 31.12.2014.
7.1.54	Implement the National Strategy & AP against money laundering terrorism financing	Standing coordination group	5 years from adoption (2015-2019)	TBD for implementation 8.280 EUR – per year - This includes costs of working groups	Envisaged activities implemented within the set timeframe	Implementation Report	
7.1.65	Conduct reporting	Standing	Based on the	BUDGET	Report	Reports of the	

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Comment [A162]: In state of play ;adopted

	and evaluation concerning implementation of the National Strategy against money laundering and terrorism financing	coordination group - SCG coordinator (Ministry of Finance: Administration for the Prevention of Money Laundering, Customs Administration, Tax Administration, Sector for exchange and foreign currency operations and games of chance; Ministry of Justice; Ministry of Interior; Supreme Court of Cassation; Public Prosecutor's Office; Securities Commission; National Bank of Serbia; Security Information Agency; Military Security Agency	timeframes set in the strategy	(regular) 2.650 EUR for the year 2015. 2.650 EUR for the year 2016. 2.650 EUR for the year 2017. 2.650 EUR for the year 2018. TOTAL BUDGET (2015-2018) 10.600 EUR	conducted Evaluation within the timeframes specified in the strategy based on the Reports	Standing Coordination Group	
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		and Military Intelligence Agency					
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7.2. RECOMMENDATION : 2	OVERALL RESULT	INDICATOR OF IMPACT
<ul style="list-style-type: none"> Prepare measures to align the national legislation with the EU <i>acquis</i> in this area and update the policy framework to take into consideration policy developments at EU level, including measures to prevent and address radicalisation and recruitment to terrorism in line with EU best practices (e.g. on the phenomenon of so called "foreign terrorist fighters"); 	Alignment with the EU <i>acquis</i> and the EU relevant policy framework	<p>Sustainable and an efficient system for a suppression of terrorist threats;</p> <p>Enhanced cooperation between relevant ministries, with civil society;</p> <p>Partnership with industry established;</p> <p>Development of capacities for strategic communication and relation with media;</p> <p>Inter-Cultural dialogues established;</p> <p>European Commission Progress reports</p>

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCES OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
7.2.1.	Draft a proposal to	Ministry of	Adoption: June 2015	BUDGET	Law on	Official Gazette	Adopted by the

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	amend Law on Freezing of Assets with the aim of Preventing Terrorism	Finance: Administration for the Prevention of Money Laundering	Implementation: till accession to the EU	(regular) 45.048 EUR for the year 2015.	Freezing of Assets with the aim of Preventing Terrorism adopted	of the Republic of Serbia Report of implementation of the law	National Assembly of the Republic of Serbia on 30.03. 2015 .
7.2.21.	Draft a proposal to amend Law on Seizure and Confiscation of Proceeds from Crime with the aim of harmonising it with the Council Framework Decision 2005/214/JHA on the application of the principle of mutual recognition to financial penalties and with the Directive 2012(0036)2014/42/EU on the freezing and confiscation of instrumentalities and proceeds of crime in the EU.	Ministry of Justice: Directorate for Management of Seized and Confiscated Assets	Adoption: September 2015 Implementation: till accession to the EU	BUDGET (regular) 42.183 EUR for the year 2015.	The Law amending the Law on Seizure and Confiscation of Proceeds from Crime adopted.	Official Gazette of the Republic of Serbia Report of implementation of the law	
7.2.32.	Draft a proposal to amend Law on Organisation and Competences of State Authorities in Suppressing Organised	Ministry of Interior: Service for combating terrorism and extremism of the Criminal Police	Adoption: December 2015 Implementation: till accession to the EU	BUDGET (regular) 40.411 EUR	Law amending the Law on Organisation and Competences	Official Gazette of the Republic of Serbia Report of implementation of	

Comment [A163]: Please clarify but we understood the law was adopted on 20 March 2015

Comment [A164]: On 20 March and activite is in state of play

Comment [A165]: Changes accepted

	Crime, Corruption and Other Particularly Serious Crimes, in order to harmonise it with the Council Decision 2005/671/JHA	Directorate			of State Authorities in Suppressing Organised Crime, Corruption and Other Particularly Serious Crimes adopted	the law	
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7.3. RECOMMENDATION: 3	OVERALL RESULT	INDICATOR OF IMPACT
• Ensure the necessary administrative and operational capacity to implement the EU <i>acquis</i>	Establishing the permanent joint task force and single data base ensured administrative and operational capacity to implement the EU <i>acquis</i> in place	Efficient response to challenges in the fight against terrorism

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCES OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
7.3.1	Improve cooperation between law enforcement	Government of the RS; Office of the Council on National Security	February 2015	BUDGET (regular) (2015-2018) 8.624 EUR for the	Permanent Joint Task Force established	Annual reports of the Permanent Joint Task Force	permanent JTF established on 9 January 2015

Comment [A166]: Done? If so, move to the introduction

Comment [A167]: Moved to the introduction

	agencies, intelligence services and security services by setting up a Permanent Joint Task Force for the fight against terrorism.	and Protection of Classified Information Protection; and other competent organisational units;		year 2015. 8.280 EUR for the year 2016. 8.280 EUR for the year 2017. 8.280 EUR for the year 2018. TOTAL BUDGET 33.464 EUR			
7.3.21	Analyse comparative legal arrangements and good European practices for the establishment of a single national terrorism-related database and enhancing of capacities for an efficient information exchange	Working group for the establishment of a National Database - Chairman of the Working group (Ministry of Justice; Public Prosecutor's Office - Prosecutor's Office for Organised Crime; Security Information Agency; Ministry of Interior Ministry of Defence)	September 2015	BUDGET (regular) 5.265 EUR for the year 2015. TAIEX 2.250 EUR for the year 2015. TOTAL BUDGET 7.515 EUR	Working group established by decision of the Government; Analysis of comparative legal arrangements conducted	Official Gazette of Republic Serbia	
7.3.32	Determine a model for setting up of a single national	Working group for establishment of	I quarter of 2016	BUDGET (regular) 5.265 EUR for the	Project for the establishment of a national	Project report	

	database and exchange of terrorism-related information	a National Database - Chairman of the Working group		year 2015. TAIEX 2.250 EUR for the year 2015. TOTAL BUDGET 7.515 EUR	database developed		
7.3.43	Implement the model for setting up a single national database and exchange of terrorism-related information	Working group for establishment of a National Database	I quarter of 2016	TBD for hardware BUDGET (regular) 6.300 EUR for the year 2016.	Single national database established; Procedures for efficient information exchange established;	Working group Report	
7.3.54	Deliver training in all competent institutions in order to enhance their capacities for efficient exchange of information within the single national database	Security Information Agency	From 2nd half of 2016 to 2nd half of 2017	BUDGET (regular) 3.000 EUR for the year 2016. 3.000 EUR for the year 2017. TOTAL 6.000 EUR for 10 training cycles	10 trainings delivered; 300 employees of state authorities trained	Reports on trainings	
7.3.6	Enhance capacities of Service for combating terrorism and extremism through training of police	Head of Service for combating terrorism and extremism of the Criminal Police	March 2015	BUDGET(regular) 1.242 EUR for the year 2015 TAIEX 2.250 EUR for the year	Training delivered; three police officers trained	Report on training	Training delivered January 2015

Comment [A168]: Done? idem

Comment [A169]: In the introductione, done on January 2015

	officers about the methods of operation of Europol and possibilities offered by the Agreement on operational and strategic cooperation between Serbia and Europol	Directorate		2015. TOTAL BUDGET 3.492 EUR			
7.3.7	Enhance the capacities of the Service for combating terrorism and extremism for accessing and gathering of all relevant terrorism-related information, according to the Council Decisions 2005/671/JHA and 2009/371/JHA	Head of Service for combating terrorism and extremism of the Criminal Police Directorate	June 2015	BUDGET(regular) 1.242 EUR for the year 2015 TAIEX 2.250 EUR for the year 2015. TOTAL BUDGET 3.492 EUR	Training delivered	Report on training	
7.3.85	Improve operational capacities of the Service for combating terrorism and	Head of Service for combating terrorism and extremism of the Criminal Police	January 2016	TAIEX 5.000 EUR	Training delivered	Report on training	

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Comment [A170]: Done on May 2015 , in the introduction

	extremism through training relating to the principles of establishing and operation of joint investigation teams for terrorism-related criminal investigations (according to the Council Decisions 2005/671/JHA, 2009/371/JHA and 2009/426/JHA)	Directorate					
7.3.96.	Enhance the capacities of the Service for combating terrorism and extremism through training the trainers on the subject of recognizing forms of terrorism and related crimes	Head of Service for combating terrorism and extremism of the Criminal Police Directorate	IV quarter of 2018	Proposed for IPA 2016 Twinning 2017 contract-light 200.000 EUR	Training delivered and 5 trainers trained (certificated)	Report on training, Project reports	
7.3.107.	Enhance capacities of Service for combating terrorism and extremism through training of police	Head of Service for combating terrorism and extremism of the Criminal Police	II quarter of 2019	Proposed for IPA 2016 Twinning 2017 contract-light	20 certificated police officers trained	Report on training, Project reports	

	officers about the methods of conducting interviews with members of extremist and terrorist groups	Directorate		2.000.000 EUR Link with activity 7.3.96.			
7.3.48	Enhance the capacities of the Service for combating terrorism and extremism through the purchase of IT and telecommunication equipment for everyday work activities	Head of Service for combating terrorism and extremism of the Criminal Police Directorate	IV quarter of 2019	BUDGET / bilateral donor IPA 2016 twinning contract 2.000.000 EUR	Equipped Service for combating terrorism and extremism in accordance with EU Standards	Reports of EU Commission, Internal working reports, Report of International organizations, Project reports	

7.4. RECOMMENDATION: 4	OVERALL RESULT OVERALL RESULT <u>Establishment of a single national terrorism-related database and enhancing of capacities for an efficient information exchange</u>	INDICATOR OF IMPACT
• Directive 2008/114/EC on the identification and	Alignment with Directive 2008/114/EC	Protection in critical Infrastructure established in line with Directive 2008/114/EC

Comment [A171]: Has to be only OVERALL RESULT the rest does not belonging here

designation of European Critical Infrastructure (ECI) and the assessment of the need to improve their protection.		
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No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCES OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
7.4.1	Learn about best practices in identifying and designating of European critical infrastructures and in assessing the need to improve their protection.	Ministry of Interior - Sector for Emergency Situations; Service for combating terrorism and extremism, Criminal Police Directorate and other competent organisational units of the Ministry of Interior; Ministry of Defence; Security Information Agency; Ministry of Construction, Transport and Infrastructure; Ministry of Trade, Tourism and Telecommunications; Ministry of Mining	November 2015	TAIEX 6.000 EUR for the year 2015. BUDGET (regular) for the year 2015-2.070 EUR	Study visit conducted. Identification made in accordance with the Directive 2008/114/EC on the identification and designation of European Critical Infrastructure (ECI) and the assessment of the need to improve their protection.	Study visit report. Periodical reporting on measures undertaken with a view to the protection of critical infrastructure facilities.	

		and Energy; Ministry of Agriculture and Environmental Protection					
7.4.2	Conduct a gap analysis based on the chosen best practice model relating to Directive 2008/114/EC	Ministry of Interior - Sector for Emergency Situations	Third quarter of 2016	BUDGET (regular) 10.764 EUR for the year 2016	Working group established by decision of the Government; Gap analysis conducted	Gap analysis conducted	
7.4.3	Draft a proposal for a legislative framework according to the findings of the analysis relating to Directive 2008/114/EC (taking into account the need to adopt beforehand a definition of CI, define common indicators and on that basis identify object of national and European CI, as well as a system for secured	Ministry of Interior - Sector for Emergency Situations Working group for harmonising of legislative framework	2017	BUDGET (regular) 10.764 EUR for the year 2017	Legislative framework adopted	Official Gazette of the Republic of Serbia	

	exchange of information)						
7.4.4	Working in the line with harmonised procedures and following the changings European CI if there are any	Ministry of Interior - Sector for Emergency Situations	2018- further on	BUDGET (regular) for each year. . This includes costs of working groups 4.140 EUR	Level of the protection of critical infrastructure	Yearly report of SES	

8. COOPERATION IN THE FIELD OF DRUGS

CURRENT STATE OF PLAY:

The Serbian legal framework concerning the fight against drugs is based on 5 UN Conventions, including the 1961 Single Convention on Narcotic Drugs, 1972 Protocol amending the 1961 Single Convention on Narcotic Drugs, 1971 Convention on Psychotropic Substances, 1988 UN Convention on Illicit Traffic in Narcotic Drugs and Psychotropic Substances with additional protocols, UN Convention against transnational organized crime and additional protocols as well as on the Criminal Code (“Official Gazette of RS”, No. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009, 111/2009, 121/2012 and 104/2013), the Criminal Procedure Code (“Official Gazette of RS”, No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014), the Law on organization and competence of state authorities in suppression of organised crime, corruption and other very serious criminal offences (“Official Gazette of RS”, No. 42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004 – amended law, 45/2005, 61/2005, 72/2009, 72/2011 - amended law, 101/2011 - amended law and 32/2013), the Law on police (“Official Gazette of RS”, No. 101/2005, 63/2009 - CC decision and 92/2011), the Law on psychoactive controlled substances (“Official Gazette of RS”, No. 99/2010 of 27 December 2010), the Law on the substances used in the illegal production of narcotics and psychotropic substances (“Official Gazette” No 107/05) and the Health records Law (“Official Gazette of RS”, No. 14/81, 24/85, 26/85, 6/89 and “Official Gazette of RS”, No. 44/91, 53/93, 67/93, 48/94 and 101/2005 – amended law). Serbia is party to the main international and Council of Europe conventions on drugs.

Serbian legislation is 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. Criminal Code includes provisions from Framework Decision 2004/757/PUP laying down the minimum provisions on the constituent elements of criminal acts and penalties in the field of illicit drug trafficking. Amendments and supplements are currently being conducted in relation to psychoactive controlled substances (hereinafter: PACS) legislation, which would enable improvement of regulation concerning new psychoactive substances. [Analysis of normative framework will also be conducted using technical support of EMCDDA through the use of the European Legal Database on Drugs \(ELDD\).](#)

The Republic of Serbia created preconditions for the exchange of information on the results of chemical analyses of psychoactive controlled substances. Hence, its legislation should be further aligned with the Joint Action 96/699/JHA to enable exchange of information on the chemical profiling of drugs in

Comment [A172]: The presentation of the state of play is relatively correct, however it does not really take into account the data and information produced in the context of the Twinning Programme between Serbia (represented by MoI and Public Health Institute), Czech Republic and Germany. Please complete it with that info.

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order to facilitate improved cooperation between Member States in combating illicit drug trafficking.

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. Implementation of the Council Decision 2005/387/JHA on the information exchange, risk-assessment and control of new psychoactive substances is foreseen in the Amendments to the Law on Psychoactive Controlled Substances.

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

[On 23.01.2015 Memorandum of Understanding has been signed between Ministry of Finance, Customs Administration and Ministry of Interior. Memorandum of Understanding was concluded with aim of raising efficiency in acting, coordinating specific activities, at need acting together in cooperation and common work at conducting and realizing specific activities within scope of work between Ministry of Finance, Customs Administration and Ministry of Interior.](#)

Serbia still does not have 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. 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 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. The full implementation of these recommendations is foreseen in the new Strategy for Drug Abuse Suppression (2014–2021).

On 27 December 2014, the Government of the Republic of Serbia adopted Strategy for Drug Abuse Suppression in the RS (2014–2021) and its accompanying Action plan (2014–2017), both published in the Official Gazette, No. 1/2015. This strategic document is in line with EU Strategy on drugs (2013–2020) and EU Action plan on drugs (2013–2016). It also reflects the main objectives of the renewed (2013) EU-Western Balkan Action Plan on Drugs, focusing 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 foresee evaluation mechanisms. In this way recommendation 8.1 was fulfilled in the part related

to its adoption.

Drug consumption in Serbia is increasing in recent years, therefore focus will be on prevention of drug abuse and treatment. The new Strategy and Action Plan therefore stipulate a number of actions in the field of demand reduction and prevention of drug abuse, including awareness raising campaigns in higher education institutions, secondary and primary schools, nursery schools and other places especially interesting for adolescent population.

As regards the institutional capacity, the Government of the Republic of Serbia adopted a Regulation on 24 July 2014 on establishment of the Office for Combating Drugs. The mentioned government body is responsible to carry out of all professional, administrative and operational actions to meet demands set by the Government, coordinate work of public authorities, participate in development of strategies and rules, monitoring of implementation of projects, analyse situation in the field of drugs, establish international cooperation and prepare annual reports for international organizations. The Office has not been equipped and staffed yet nor has commenced to carry out activities being under its jurisdiction. The Ministry of Health deals with prevention and health related 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. Competences of the PACS Commission do not overlap with activities of the Office for Combating Drugs. Establishment of the Office is defined by a coordination mechanism contained in the National Strategy for Drug Abuse Suppression (2014-2021) and Action Plan for its implementation (2014- 2017). The Ministry of Interior (Criminal police and police directorates throughout the country) and the Organised Crime Prosecutor's Office are the main actors in the fight against drugs trafficking. Legal basis for the cooperation with the European Monitoring Centre for Drugs and Drug Addiction EMCDDA is defined in the Article 93 (Official Gazette of RS⁷, No. 99/2010 of 27 December 2010) of the Law on psychoactive controlled substances which regulates the international cooperation of the Ministry of Health. The national focal point for co-operation with EMCDDA is to be set up at the Ministry of Health. Further investments are needed to adequately develop its institutional and administrative capacities. Ministry of Health is the supreme authority to which all health related institutions in the Republic of Serbia are subordinated. They are bound to implement activities foreseen by this Action Plan upon order issued by the Ministry of Health. All so far acquired knowledge deriving from the EU funded projects in the field of drugs shall be applied. [National Monitoring Center of the Ministry of Health will sign the memorandum of cooperation with all the institutions that participated in the projects financed by the EU to support the sustainability of all activities of these projects.](#)

[By conducting recommendations that Twinning project has set, all significant and important data regarding supply and demand of drug on the market could be collected. This kind of information would enable better view of current state and easier analysis of threats. Also better comprehension of the situation at EU level would be enabled. Collecting and analysis of data is aligned with needs and expectations of EMCDDA. Project gave enormous support in destroying drugs \(PACS\) and it enabled making of Guidelines for handling and destroying seized drugs, their storage and preparation for their destroying.](#)

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The main task of the project was improvement of work of leading Institutions through implementation of internationally recognized examples of good practice in the field of prevention of drug abuse and fight against manufacturing, sale and distribution of drugs. Project reached its goals and all expected results and indicators have been fulfilled. It represents platform for administration and experts in Republic of Serbia for communication regarding politics in fight against drugs in absence of coordinating body and mechanism at national level. In this perspective, the highest priority is to be given to implementation of coordinating structures and mechanisms and development of system for monitoring of narcotics, as well as adopting political and strategic documents for fight against narcotics in order to gain the most significant importance in forthcoming period. Continuous political support is vital in this field for providing adequate capacities and financial resources.

Serbia has a list of drugs and drug precursors. Flexible administrative mechanism is in place, enabling quick update of the list on the basis of a proposal of the Ministries of Health or Interior. According to applicable legislation of the republic of Serbia, Ministry of Health makes a motion for amendment of the PACS related legislation in cooperation with ministries mentioned in the Action Plan. Activities conducted by criminal police pertaining to drugs are based on Criminal Code and Criminal Procedure Code and there are no changes foreseen in that respect.

Existing quantity of seized drugs shall be continuously destroyed as of November 2014. Destruction is conducted by incineration in a thermal power plant, in compliance with previously developed study on impact on the environment. Destruction processes are conducted once a month and so far has been destructed 1 t and 70kg of marijuana, 287 kg of heroine, 70g of hashish. In the period prior to November 2014 was destructed 730kg of marijuana, 167kg of heroine and 51g of hashish. The mentioned drugs have been confiscated in the last 20 years. Proposed measures contained in the AP imply that, after the analysis, amendments to the legislation, shall commence a sustainable system of drug destruction based on amended legislation and with respect to recommendations of experts from 2014. By the timeline set in the AP we shall be applying destruction system initiated in November 2014.

With the aim of developing institutional and administrative capacities in the fight against drug-related crimes, the Service for Drug Addiction Prevention and Drug Trafficking Suppression was established within the Ministry of Interior in December 2013, with the task to take preventive and repressive measures to fight against drugs trafficking within Serbian borders. It is necessary to develop capacities of the service so that it could successfully carry out actions under its jurisdiction. It pertains to stuffing of 97 designated work posts, with particular emphasis that it will refer to redeployment of existing police officers in accordance with merit-based and competence-based internal recruitment criteria. IT will not require new expenditures from the budget. In addition, there already exist premises and infrastructure for these personnel. With reference to trainings, they can participate in the existing training system of the Ministry and join other users of the already planned training programs.

Police cooperation in the field of drugs in the Republic of Serbia is effective and comprehensive and it takes place at all levels (strategic, operational, specialist and border level) and via different communication channels (international – INTERPOL, EUROPOL, [EMCDDA](#), SELEC, and bilateral). The Serbian police concluded bilateral and multilateral police cooperation agreements (20 international agreements on police cooperation with the Third Countries are currently in force, including 15 EU Members States).

8.1 RECOMMENDATION: 1	OVERALL RESULT	INDICATOR OF IMPACT
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	Established systematic mechanism to tackle drugs which is in compliance with European standards.	Reduction of damage to the nation caused by drugs through reduction of supply and demand of drugs expressed in percentages.

Comment [A173]: It could be interesting to have more information about the way the budget was calculated, as well as what will be put in place for the monitoring and evaluation, including the epidemiological and supply indicators, that are not mentioned. From what is presented, it is not clear how this will work and what are the resources needed (a bit too general).
 Note to the Comment: Budget has been calculated by Sector for Financial, human resources and common affairs of Mol.

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCES OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
8.1.1.	Implementation of the Strategy for Drug Abuse Suppression in the RS (2014–2021) and its accompanying Action plan (2014–2017)	Office for Combating Drugs - Director of the Office with representatives of ministries which, according to the strategy, are responsible for implementation of the Action Plan.	From April 2015 till 2021	€2.070 EYP Proposed for IPA 2016 Twinning 1.000.000 EUR	15 over – arching indicators for the EU Action plan on Drugs 2013- 2016	Annual reports on implementation of National Strategy and Action Plan	

Comment [A174]: ?

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8.1.2	Monitor the implementation of Strategy for Drug Abuse Suppression in the RS (2014–2021) and its accompanying Action plan (2014–2017)	Office for Combating Drugs - Director of the Office, with competent ministries envisaged by the strategy	From April 2015 till 2021	BUDGET (regular) 3.794 974 EUR 45,89627.818 EUR per year BUDGET (regular) (2015-2018) Proposed for IPA 2016 Twinning 1.000.000 EUR link with 8.1.1.	15 over – arching indicators for the EU Action plan on Drugs 2013- 2016	Annual reports on implementation of National Strategy and Action Plan	
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8.2 RECOMMENDATION: 2	OVERALL RESULT	INDICATOR OF IMPACT
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	Efficient work of law enforcement bodies and judicial authorities in fight against trafficking and abuse of drugs, carried out through their cooperation, conduct of contemporary investigative methods and systematic seizure of assets and proceeds from crime.	A solid track record of drug seizures A solid track record of confiscated criminal assets related to drugs trafficking

Comment [A175]: One of the indicators of impact is "a solid track record of seizures", which is one of the core supply indicators being implemented and developed by the EMCDDA in cooperation with the EC and the Member States. There is a new protocol adopted in November 2014 for that indicator, and a first seminar was organised on this issue with the Western Balkans countries in Podgorica in 2014. Further activities are planned for 2015-2016 by the EMCDDA in the context of the EMCDDA-IPA5 project, with a first extensive data collection exercise on Drugs Seizures and Drug-related Offenses (DLO). The State Secretary at the Ministry of Interior was informed last week, and we agreed to work together on this.

Note to Comment: Indicators of impact will be expressed through implementation of new Protocol in cooperation with EMCDDA.

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCES OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
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8.2.1	Analyse the normative framework against drugs	Office for Combating Drugs , in cooperation with competent ministries: Ministry of Interior, Ministry of Health, Ministry of Justice, Ministry of Agriculture and Environmental Protection, Ministry of Finance-Customs Administration.	January 2016 September 2015	TAIEX 4.500 EUR for the year 2015	Analysis conducted	Analysis report	
8.2.2	Modify the normative framework according to the results of the analysis	Ministry of Health , Ministry of Interior, Ministry of Justice, NGO, Ministry of Finance-Customs Administration, Ministry of Agriculture and Environmental Protection, with National	December 2015 April 2016	BUDGET (regular) 21.300 EUR for the year 2015	Normative framework modified	Official Gazzete	

Comment [A176]: The EMCDDA could provide technical support through the use of the European Legal Database on Drugs (ELDD), including presentation of legislations in the EU and comparative analysis.

		Assembly.					
8.2.3	Improvement of national capacities for fight against drugs through strengthening of Service for Drug Addiction Prevention and Drugs Trafficking Suppression	Ministry of Interior (Criminal Investigations Directorate)	IV quarter 2016	BUDGET (regular) redeployment of the employed staff (97 persons). 1.080.000 EUR for the year 2016 1.080.000 EUR for the year 2017 1.080.000 EUR for the year 2018 TOTAL BUDGET (2016-2018) 3.240.000 EUR IPA 2016 Proposed	Improved horizontal co-operation and communication of law enforcement bodies and establishment of clear chain of command. More pro-active investigations based on risk analysis through the national SOCTA Equivalent practice and methodology on fight against drugs on the whole territory of the state. Centralization and standardization of records and processing of	Annual report on the work of the Ministry of Interior	

Comment [A177]: A reference could be made to the methodological work and training to be organised by EMCDDA on the drugs supply indicators and data.
Note to the Comment: Note to the Comment: Added Activity 8.4.3. – Cooperation with EMCDDA covers answer to this comment.

			IV quarter 2019	for IPA 2016 Twinning 1.000.000 EUR link with 8.1.1. BUDGET (additional) Equipment 140.700 EUR	<p>statistics.</p> <p>More efficient use of resources and saving of resources through overall planning of needs of the whole service.</p> <p>Dissemination of good practices in prevention of drug related crime and abuse</p>		
8.2.4	<p>Sign an Memorandum of Understanding with the Ministry of Interior and Customs Administration. NOTE: This activity is provided under subchapter on customs cooperation</p>	<p>Ministry of Interior in cooperation with the Ministry of Finance-Customs Administration</p>	June 2015	BUDGET (regular) No costs 1.242 EUR for the year 2015	<p>Memorandum of Understanding signed</p>	<p>Memorandum of Understanding</p>	
8.2.54	<p>Provide on-the-spot tests for</p>	<p>Ministry of Interior</p>	<p>As of June 2015</p>	<p>BUDGET (regular) 40.300</p>	<p>Number of tests and brochures</p>	<p>Supply contract and Decision on</p>	

Comment [A178]: Done and moved to Introduction

	preliminary field identification of PACS for Police and Customs Administration purposes	(Criminal Investigations Directorate)		EUR for the year 2015 10.000 EUR for the year 2016 10.000 EUR for the year 2017 10.000 EUR for the year 2018 TOTAL BUDGET (2015-2018) 70.300 EUR	purchased, number of training workshops for police officers delivered, number of police officers trained	distribution of tests	
8.2.65	Learn about specific CEPOL training models for applying special investigative techniques	Ministry of Interior , Financial Investigations Unit, Directorate for education, training, specialisation and science - heads of the organisational units	December 2015	TAIEX - (costs to be expressed under subchapter on police cooperation 6.1- CEPOL)	Training models introduced into the Ministry of Interior's training programme	Training Programme	
8.2.76	Deliver training about the operation of joint investigative teams in the	Ministry of Interior and partners - head of Service for combating	December 2015	TAIEX - (costs to be expressed under subchapter on police	Ten civil servants trained	Training Report	

Comment [A179]: Training for police officers/law enforcement agents on drug trafficking and suppression of drugs production needs to be more systematic.
Note to the comment: Training will be attended by police officers of Financial Investigations Department, Service for Combating organized Crime which is foreseen by subchapter on police cooperation 6.1.

	cases of drugs trafficking by organised crime groups and about conducting financial investigations in parallel with the criminal investigation	organised crime, head of Financial Investigations Unit		cooperation 6.1 - CEPOL)			
8.2.87.	Monitor changes and amendments in acquis	Office for Combating Drugs , in cooperation with competent ministries:	From April 2015 till 2021 or accession to the EU	No funds required	Findings of periodic reports on monitoring		
8.2.98.	Modify national normative framework according to changes in acquis	Ministry of Health , Ministry of Interior, Ministry of Justice, NGO, Ministry of Finance-Customs Administration, Ministry of Agriculture and Environmental Protection, with National Assembly.	From January 2015 till 2021 or accession to the EU	TBD	Absence of difference between European and domestic normative framework		

8.3 RECOMMENDATION: 3	OVERALL RESULT	INDICATOR OF IMPACT
Develop measures to ensure safe and secure storage and effective destruction of seized precursors and drugs	Systematically ensured storage of seized precursors and drugs	Quantity of seized / stored / finally treated precursors and drugs

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCES OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
8.3.1	Conduct a needs analysis for storage of seized drugs and precursors.	Ministry of Justice , in cooperation with the Ministry of Interior	December 2015	TAIEX 2.250 EUR for the year 2015	Analysis report developed	Analysis report	
8.3.2	Conduct analysis of the normative framework relating to the procedure for storing and destruction of seized psychoactive controlled substances and precursors with recommendations for harmonisation	Ministry of Health , Ministry of Interior, Ministry of Justice, Ministry of Finance-Customs Administration, Ministry of Agriculture and Environmental Protection.	December 2015	BUDGET (regular) 16.050 EUR for the year 2015	An analysis with recommendations for harmonisation developed	Analysis report	
8.3.3	Amend the normative framework relating to the procedure for	Ministry of Health , Ministry of Interior,	IV quarter of 2016	BUDGET (regular) 21.300 EUR	Normative framework	Official Gazette	

	storing and destruction of seized psychoactive controlled substances and precursors based on recommendations of the analysis	Ministry of Justice, Ministry of Finance-Customs Administration, Ministry of Agriculture and Environmental Protection, with National Assembly.		for the year 2016	amended		
8.3.4	Prepare a programme for destruction of precursors	Ministry of Health , Ministry of Interior, Ministry of Justice, Ministry of Finance-Customs Administration, Ministry of Agriculture and Environmental Protection.	IV quarter of 2017	BUDGET (regular) 14.200 EUR for the year 2017	Programme for destruction of precursors adopted	Programme document	
8.3.5	Prepare a programme for destruction of PACS	Ministry of Justice , in cooperation with the Ministry of Interior and Ministry of Health	December 2015	BUDGET (regular) 14.200 EUR for the year 2015	Programme for destruction of PACS adopted	Programme document	
8.3.6	Continuous destruction of seized	Ministry of Interior by order	Continuously, as of 2016 till	BUDGET (regular) 5	Quantity of destroyed PACS	Minutes on destruction	

	PACS	of competent courts in cooperation with the Ministry of Health	2021	EUR per 1 KG			
8.3.7	Final treatment of seized precursors	Ministry of Health , Ministry of Interior, Ministry of Justice, Ministry of Finance-Customs Administration, Ministry of Agriculture and Environmental Protection, Faculty of Chemistry	Continuously, as of 2016 till 2021	Depending on the type of final treatment	Amount of precursors disposed of and destroyed	Minutes	
8.3.8.	Monitor changes and amendments in acquis	Ministry of Health , in cooperation with competent ministries:	From April 2015 till 2021 or accession to the EU	No funds required	Findings of periodic reports on monitoring		
8.3.9.	Modify national normative framework according to changes in acquis	Ministry of Health , Ministry of Interior, Ministry of Justice, NGO, Ministry of Finance-Customs Administration,	From april 2015 till 2021 or accession to the EU	TBD	Absence of difference between European and domestic normative framework		

		Ministry of Agriculture and Environmental Protection, with National Assembly.					
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8.4 RECOMMENDATION: 4	OVERALL RESULT	INDICATOR OF IMPACT
Further development of regional and international police cooperation	Developed police cooperation on regional and international level	Increased exchange of information and joint actions, including existence of joint investigation teams Increase in detected drugs trafficking cases as a consequence of international police co-operation

Comment [A180]: An additional activity could be mentioned: cooperation with the EMCDDA on the development and implementation of supply indicators in consultation with the EMCDDA Drug Supply Reference Group.
Note to the comment: Added activity – Cooperation with EMCDDA

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCES OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
8.4.1	Cooperation with INTERPOL	Ministry of Interior	Continuously	(costs to be expressed under subchapter on police cooperation – 6.1 Interpol)	Number of opened files 2314 of organised crime groups dealing with drugs smuggling	Annual report on the work of the Department for Cooperation with Interpol	
8.4.2	Cooperation with EUROPOL	Ministry of Interior	Continuously, as of 2015 till	(costs to be expressed under	Number of analytical files,	Annual report on the work of the	

			accession to the EU	subchapter on police cooperation – 6.1 Europol)	number of exchanged messages through SIENA system in the area of drugs trafficking	Department for Cooperation with Europol	
8.4.3	Cooperation with EMCDDA	Office for Combating Drugs, in cooperation with competent ministries:	Continuously	BUDGET (costs necessary to perform all kinds of reports 6.210 EUR per year) Travel expenses – total 6. 300 per year Meetings in Belgrade - 9,936 EUR per year TOTAL BUDGET 22,446 EUR per	Producing annual reports and other documents foreseen in IPA5	Annual report at national level	

				<u>year</u>			
8.4.34	Cooperation with EULEX	Ministry of Interior	Continuously, up to 2017	(costs to be expressed under subchapter 5 Judicial cooperation in civil and criminal matters)	Number of experts cooperating with EULEX, number of meetings attended	Annual report on the work of the Ministry of Interior	
8.4.45	Cooperation with UNODC	Office for Combating Drugs with Ministry of Health, Ministry of Interior, Ministry of Justice, Ministry of finance – Customs Administration Ministry of Agriculture and Environmental Protection, Ministry of Youths and Sport, NGO	Continuously, as of 2015	BUDGET (regular)(2015-2018) 20.200 EUR per year TOTAL BUDGET (2015-2018) 80.800 EUR	Number of conferences and meetings held; number of civil servants participating at the conferences and meetings	Report	
8.4.56	Strengthen capacities of the Criminal Police Directorate	Ministry of Interior, Prosecutor`s	Continuously, as of 2015	(Costs to be expressed under subchapter 6.2 on Organized	Number of trained police officers and other relevant	Report	

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	through training for participation in joint investigation teams	Office		crime)	officers		
8.4.67	Establishing national contact point for transmission and analysis of drugs samples	Ministry of Health , Ministry of Interior (Criminal Investigations Directorate), with National Assembly.	IV quarter of 2017	BUDGET (regular) 1.115 EUR for the year 2017	Contact point established by amendments and supplements of Law on PACS	Official Gazette	
8.4.78	Adoption of bylaw regulating the work of national contact point for transmission and analysis of drugs samples	Ministry of Interior (Criminal Investigations Directorate)	IV quarter of 2017	BUDGET (regular) 1.242 EUR for the year 2017	Bylaw	Official Gazette	

8.5 RECOMMENDATION: 5	OVERALL RESULT	INDICATOR OF IMPACT
Keep the list of drugs regularly updated following international and European developments	List of drugs aligned with international and European level, as well as situation on the field	Absence of difference between European and domestic list PACS

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCES OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
8.5.1	Regularly update the list of PACS in line with INCB, relevant EU council decisions and national assessment	Government Commission for psychoactive controlled substances	Continuously, As of 2014	BUDGET (regular) 6.660 EUR	PACS list updated	Official Gazette	
8.5.2	Establish National Early Warning System	Ministry of Health with partners, and with National Assembly.	II quarter of 2016	BUDGET (regular) 3.700 EUR for the year 2016	Established National Early Warning System by amendments and supplements of Law on PACS	Official Gazette	
8.5.3	Making National Early Warning System operational	Ministry of Health	II quarter of 2016	BUDGET (regular) 166.500 EUR for the year 2016	Adopted adequate legal document regulating Early Warning System in the Republic of	Adequate legal document Report on the work of National Early Warning	

					Serbia, Number of information exchanged with EU Early Warning System	System	
8.5.4	Train partners for active participation in the National Early Warning System	Ministry of Health	As of II quarter of 2016	TAIEX/BUDGET (regular) 8.100 EUR	Number of trained persons	Report on trainings Expert report	

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[Comment from EMCDDA;](#)

[The main component of this objective is the establishment and running of a National Early Warning System \(EWS\) on New Psychotropic Substances, for which we have a few comments:](#)

- [The establishment of the EWS is one of the core tasks of the EMCDDA and is one of the top priorities of the next EMCDDA-IPA5 project, due to start in July 2015. The European Database on New Drugs \(EDND\) that is the central node of the European EWS is being currently updated and adapted so as to be able to integrate the candidate and potential candidate countries to the EU and the communication flow can already be established with the EWS Sector within the EMCDDA.](#)
- [As soon as the EMCDDA-IPA5 project starts, the contacts will be established with the Ministry of Health of the Republic of Serbia for planning the activities and providing the necessary input for establishing the national EWS. As far as this activity is concerned, there will be an overlap with the request to be presented by Serbia to TAIEX for the training, which is already foreseen by the EMCDDA. TAIEX support would be more useful in 2017 for the follow-up of the training.](#)

- It is worth mentioning here that, as it is presented in the draft AP, it looks as if the EWS is seen mainly as a Ministry of Health competence, while in fact the law enforcement component of the EWS, both at national and European level, is extremely important and strongly involves the Ministry of Interior. We imagine that this is not perceived as such by the people currently in charge of the drugs portfolio within the MoH, because they do not communicate nor use the know-how and knowledge that have been developed in the context of the Twinning and of the previous EMCDDA-IPA projects. This issue has to be addressed if the EWS has to become operational as expected, and the section on EWs in the Action Plan could be made more concrete and operational to reflect this.

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8.6 RECOMMENDATION: 6	OVERALL RESULT	INDICATOR OF IMPACT
Allocate sufficient staff and financial resources to the focal point for the EMCDDA, to ensure an active cooperation with the Agency	Established focal point for cooperation with EMCDDA in National Monitoring Centre for Drugs within the Ministry of Health	Regular cooperation with EMCDDA through full human and financial capacities of the Republic of Serbia

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCES OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
8.6.1	Establish a National Drugs Monitoring Centre in compliance with Law on PACS	Ministry of Health	June September 2015	<u>BUDGET (regular)</u> <u>No costs 2,070 EUR for the year 2015</u>	National Drugs Monitoring Centre established	Bylaw on new systematization of working posts of the Ministry of Health	

8.6.2	Provide funds for the operation of the National Drugs Monitoring Centre	Ministry of Health	June-September 2015	BUDGET (regular) 72.420 EUR	National Drugs Monitoring Centre operational and has all necessary resources	Bylaw on new systematization of working posts of the Ministry of Health	
<u>8.6.3</u>	<u>Sign the memorandum of cooperation between Ministry of Health and all the institutions that participated in the projects financed by the EU</u>	<u>Ministry of Health, Ministry of Interior, Institute of Public Health of Serbia</u>	<u>September 2015</u>	<u>BUDGET (regular) 1.242 EUR for the year 2015</u>	<u>National Drugs Monitoring Centre operational and has all necessary resources</u>	<u>Documentation of the Ministry of Health</u>	
<u>8.6.34</u>	Conduct needs assessment for establishing National Drugs Information System (including financial resources)	Ministry of Health	September 2015	BUDGET (regular) 5.400 EUR for the year 2015	Needs assessment developed	Document	
<u>8.6.45</u>	Establish normative framework for National Drugs Information System	Ministry of Health	as of I quarter of 2016	No costs BUDGET (regular) 6.210 EUR for the year 2015-	Adopted legal document that regulates functioning of National Drugs Information System	Adequate legal document	

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				2016			
8.6.56	Educate and train the staff of National Drugs monitoring centre and partner	Ministry of Health	As of September 2015	BUDGET (regular) 11.100EUR	Number of participants and number of trainings	Report on conducted training	
8.6.67	Draft Action plan on National Drugs Information System	Ministry of Health	IV quarter of 2016	BUDGET (regular) 10.650 for the year 2016	Adopted Action Plan	Internal document of the Ministry of Health	
8.6.78	Preparation and delivery of the National Report to EMCDDA	Office for Combating Drugs and Ministry of Health	As of 2016	BUDGET (regular) 8.280 EUR, per year TOTAL BUDGET (2016-2018) 24.840 EUR	Prepared and adopted National Reports are regularly delivered to the European Monitoring Centre for Drugs and Drug Addiction	Published report	

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[COMMENTS: We welcome the conclusion of a memorandum of cooperation between the Ministry of Health and the Public Health Institute as regards the establishment of the Focal Point for cooperation with EMCDDA in a way which recognises the work done through an IPA twinning and past EMCDDA support. We suggest that this agreement is mentioned and reflected in the AP \(introduction and actions\) in a sense that there should not be a full restart of establishment of the national focal point.](#)

EMCDDA highlighted in this respect in particular that the Republic of Serbia has produced last year an excellent national report on the drugs situation (it was in fact the second edition already), and that the objective should be to see how to update the report with new data, instead of re-inventing a new national report. For that purpose again, it is required to use as much as possible the existing expertise developed with EU support, the same applying to the needs assessment and to the draft Action Plan for the National drug Information System.

It is also important to review slightly the performance indicators presented for this Recommendation, as it should mention also the data to be delivered to the EMCDDA, and not only the national report. If needed and useful, the EMCDDA could provide some hints about a better KPI in this area.

For all those activities, the support and training will be organised and provided by the EMCDDA, in close consultation with the Ministry of Health and the Ministry of Interior, and in permanent liaison with the EU Delegation in Belgrade and the services of the European Commission in Brussels.

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9.SUBCHAPTER - CUSTOMS COOPERATION

CURRENT STATE OF PLAY:

Serbian legislation is partially aligned with the Decision 2009/917/JHA on the use of information technology for customs purposes. Since the Customs Administration IT strategy for the period 2011 - 2020 does not contain all the elements necessary to enable Serbia's preparations for the implementation of Decision 2009/917/JHA upon the accession, the EC suggested an improvement of the system.

In order to include all the necessary elements in Customs Administration's IT strategy for the period 2011 – 2020, information were exchanged with experts from Slovenia, Croatia and Austria in regard to customs information system and use of AFIS application, which are to facilitate Serbia's preparations for the implementation of the Decision 2009/917/JHA upon the accession. The application is downloaded directly from the Internet and it is planned that AP provides basis for its use through the amendment of IT strategy and implementation of trainings, for which the Customs Administration already has necessary IT infrastructure and staff. The IT Strategy update will be implemented through IPA 2013 project - Support to further modernization of the Customs Administration and improved border management in the Republic of Serbia, whose aim is to improve quality of customs administration services towards business community and citizens, increase CA capacity, strengthen control function at the border as well as to improve CA fight against illegal migration. An important goal will be to ensure smooth and modern electronic interconnectivity and physical interoperability with other customs authorities in the EU and at the border. The total value of the project amounts to 6.7 million euros, where the EU contribution amounts to 5,807.500 euros.

One of the first activities within part of the Component 1 - Service Contract is the IT Strategy update which is to be done by incorporating CIS Convention creating the conditions for full implementation of the CIS Convention after Serbia's accession to the EU. Of course, the implementation of entire IT strategy is much broader than the creation of conditions for application of CIS Convention. The implementation is to include creation of conditions for application of all electronic customs systems which will be necessary prior to and at the moment of accession and it will last for several years.

Referring to Component 1, CA and European experts engaged through Framework contract cooperate in order to prepare Terms of Reference for Service Contract. Once these preparations are completed and TOR adopted, and having in mind that the project will be implemented through a decentralized system of management of IPA funds, CFCU (Sector for finance and contracting of the EU assistance funds) will conduct a tender process with an expected minimum duration of 9 months and two ex ante controls. After signing the contract, the arrival of consultants and implementation of Component 1 of IPA 2013 project is expected in the next 2-3 months. The implementation period is 24 months.

As according to the Decision 2009/917/JHA on the use of information technology for customs purposes each Member State is obliged to submit data to the

customs information system, we want to emphasize that the Customs Administration developed Base-Register of offenses since May 1st, 2015.

Deadline for adopting the IT strategy is aligned with the implementation of IPA 2013 project - Support to further modernization of the Customs Administration and improved border management in the Republic of Serbia. The amount of funds has been determined after considering part of the Component 1 of this project. No extra equipment will be necessary for carrying out these activities. The next step, which refers to the implementation of strategy or part of the strategy for the implementation of CIS Convention will include trainings as detailed under the activity 9.1.2. Training plan will be developed by the Customs Administration and will be executed by experts, through TAIEX. As the training will be conducted in Customs Administration premises, no additional cost will be required. In order to apply the Decision 2009/917/JHA Customs Administration has the required IT infrastructure and staff, while the basis for implementation of AFIS application will be provided through IT strategy amendment and the customs officers will be trained for using this application.

Before it accedes to the European Union, Serbia will have to prepare for the implementation of the "Naples II Convention", which is to be ratified upon the accession. The Screening showed that Serbia is generally in line with the acquis, but not in regards to the form of central coordination unit, special forms of cooperation and powers of customs officers.

Customs officers are, among other things, authorized to carry the weapons and ammunition, stop the vehicle, enter a means of transport, carry out an inspection and search any of its parts, enter any business premises of their user, as well as to inspect such premises, goods and documentation, determine the person's identity by requesting his passport or some other identification document, temporarily detain the person, search the person in conformity with the rules, temporarily detain the goods or means of transport.

As regards customs officers' powers and equipment used, CA has exchanged information with colleagues from EU countries - Slovenia, Croatia, Austria and Bulgaria, whereby no crucial differences were established. The only difference is the lack of power to enter a property without a warrant.

Cooperation and exchange of information with border agencies is the priority of Customs Administration and the CA has signed a number of memoranda of understanding, protocols and agreements with other state agencies, among which are the Directorate for Prevention of Money Laundering, Tax Administration, Security Information Agency, Ministry of Interior and other.

The plan is to amend Criminal Procedure Code and alternatively or together with this activity, envisaged are amendments to the Law on Customs Service which adoption is expected in 2015. Deadline for the adoption of these laws does not depend on the Customs Administration. AP stresses out the connection with Chapter 23 in terms of funding. Furthermore, the deadline which is to be decided by the National Assembly adopting the laws is established in accordance with the deadlines specified under section 23, since there is a greater need to amend Criminal Procedure Code in this chapter.

Trainings are intended for the Enforcement Division officers: Customs Investigations Department and Anti-Smuggling Department and they will comprise new investigative powers of the authorized customs officers. The training on entering a property without a warrant (and/or possibly some other new powers of customs officers) and in regard to joint investigative teams according to the “Naples II Convention” is intended only for customs officers, without other state agencies (eg. MI) involvement, given that it is about powers of customs authorities.

In connection with Serbia’s preparation for the implementation of “Naples II Convention” and in addition to this training, another training specified under the activity 9.3.1. is to be provided under the AP. This training will be also carried out through TAIEX, as well as the training specified in the activity 9.3.1.

CA will participate in the project whose holder is the Ministry of Interior. The activity is to be implemented through the IBM. We note that the amendment of the Agreement on cooperation with the Ministry of Interior is alternatively provided, with the aim of accessing the application "Granica". The activity 9.2.3. is connected to the activities 4.2.1. and 4.2.2. subsection of External borders and Schengen, in terms of the deadline and necessary funds compliance, as well as with the recommendation 3 of this subsection.

After it accedes to the EU, Serbia will have to ratify the “Naples II Convention” and prepare for its implementation. The Screening process showed that Serbia is generally in line with the acquis, but not in regards to the form of central coordination unit and special forms of cooperation.

As regards Central Coordination Unit, the Customs Investigations Department (operating under the Enforcement Division) is responsible for exchange of information with other Customs administrations under Protocol No. 6 of the SAA and concluded agreements on customs cooperation, as well as with international organizations in the field of security, combat of smuggling and customs investigations. The Intelligence Department also exchanges information with other Customs administrations. In 2013 and 2014 November Customs Investigations Department and Intelligence Department exchanged under the mutual assistance and cooperation a total of 538 information with the EU Member States.

After ratification of the “Naples II Convention” upon Serbia’s EU accession, central coordination unit tasks are to be performed by organizational units of the Enforcement Division, considering that an exchange of information is already carried out in accordance with Protocol no.6 of the SAA with the EU Member States and that there is no need to create special organizational unit to perform these tasks.

Customs Administration has recognized the need concerning special forms of cooperation which is to be implemented upon ratification of the "Naples II Convention" - hot pursuit, cross-border surveillance, controlled deliveries and joint special investigation teams, while covert investigation will be conducted by MOI. As part of Enforcement Division, the Anti-Smuggling Department has 10 mobile teams and already participates in controlled deliveries as an assistance to the Ministry of Interior and in particular at the request of German colleagues.

In order to implement the recommendation no.3. (9.3.) it is necessary that recommendation 2 (9.2.) is fully implemented, or that the authorized customs

officers are fully empowered in accordance with EU standards which allow them to perform special forms of cooperation under the “Naples II Convention”, as follows: hot pursuit, cross-border surveillance, controlled deliveries and joint investigation teams.

It is planned that Training of Trainers (train the trainer) is conducted whereby training plan is to be developed by the Customs Administration and that the training is carried out by EU experts, through TAIEX. Besides customs, training will be also attended by the officers of the Ministry of Interior. Total approved budget is €12.784 given that CA has its own capacities (training center, boarding school). No extra equipment will be required for carrying out these activities.

After completion of these trainings, the trained customs officers will carry out trainings continuously, according to the Customs Administration needs and in cooperation with officers of MI - Criminal police Directorate and BP who have also undergone training. Trainings will be conducted until Serbia's admission to the EU.

Finally, we would like to underline that the experts from Austria and Germany expressed their satisfaction with the Customs Action Plan at the TAIEX workshop, held on January 21st – 22nd, 2015.

9.1.RECOMMENDATION: 1	OVERALL RESULT	INDICATOR OF IMPACT
Ensure that the IT strategy of the Customs Administration for the period 2011 – 2020 contains all necessary elements to allow it to prepare for the implementation of Decision 2009/917/JHA upon accession;	Conditions created for the application of Decision 2009/917/JHA upon Serbia’s accession to the EU	Conditions created for systemic exchange of information with EU member states with the aim of processing customs violations

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
9.1.1.	Amendment of the Customs	<i>Customs</i>	II quarter of	IPA(2013):	Strategy	IPA reports	

	Administration IT Strategy	Administration, Assistant Director General in charge of the IT Division	2017	2.700 EUR BUDGET (regular) of Ministry of Finance for the year 2017 213 EUR TOTAL BUDGET: 2.913 EUR	adopted		
9.1.2.	Design, adopt and deliver a training plan for the use of AFIS application for 10 customs officers employed at the Enforcement Division and IT Division	Customs Administration 1. Assistant Director General in charge of the Enforcement Division; 2. Assistant Director General in charge of the IT Division	4th quarter of 2017	TAIEX : 4.500 EUR for the year 2017 BUDGET (regular) of Ministry of Finance for the year 2017: 1.284EUR (development of a plan: 284 EUR; implementation of trainings	1. Training plan developed, adopted and implemented; 2. 10 customs officers from the Enforcement Division and IT Division capacitated for using the AFIS application	Report on training	

				1.000 EUR)			
				TOTAL BUDGET for the year 2017:			
				5.784EUR			

9.2.RECOMMENDATION: 2	OVERALL RESULT	INDICATOR OF IMPACT
Broad the investigative powers of customs officers and improve their possibilities to co-operate (e.g. through the access to data bases) with other agencies at the border	<p>1. Investigative powers of customs officers in criminal proceedings are broadened</p> <p>2. Access to the Border Police IT application, better cooperation and exchange of information with this agency is in place</p>	Capacities of the Customs Administration for implementation/enforcement of legislation are improved, with the purpose of a more efficient work on the border

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
9.2.1	Cooperation with the Working Group of the Ministry of Justice in	<p>1. <i>Ministry of Justice</i></p> <p>2. <i>Customs</i></p>	September 2015	Activity costs forecasted in the Chapter 23	Draft Laws amending the Criminal Procedure Code and Law on Customs Service adopted	Official Gazette of the Republic of Serbia	

	order to prepare a Draft Law Amending the Criminal Procedure Code	<i>Administration</i> , Assistant Director General in charge of the Human Resource and General Affairs Division and the Assistant Director General in charge of Enforcement Division					
9.2.2.	Design, adopt and deliver a training plan for joint special investigative teams (special forms of cooperation according to the Naples II Convention) entering a property	Customs Administration 1. Head of the Customs Investigations Department; 2. Head of the Anti – Smuggling Department	I quarter of 2016	TAIEX: 9.000 EUR BUDGET (regular) of Ministry of Finance: 2.284 EUR (Development of a plan: 284EUR; implementation of trainings:	1. Training plan developed, adopted and implemented; 2. 20 customs officers from the Enforcement Division- Customs Investigations Department (5) and Anti-smuggling Department (15) capacitated for entering a property without a warrant and joint special investigative teams.	Report on training	

	without a warrant (increased powers of customs officers from the activity 9.2.1.) for 20 customs officers employed at the Enforcement Division – Customs Investigations Department and Anti – Smuggling Department			2.000 EUR) TOTAL BUDGET: 11.284 EUR			
9.2.3.	Cooperation with the Working Group for drafting the Strategy for Integrated Border Management and Action Plan for its	1. <i>Ministry of Interior, Border Police</i> 2. <i>Customs Administration, Assistant Director General in charge of the Enforcement Division</i>	IV quarter of 2016	Activity costs forecasted within the Subchapter External borders and Schengen	IBM strategy and Action Plan adopted	Same as 4.2.2.	

implementation in order to establish a systemic access to databases and exchange information among control agencies at the border							
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9.3.RECOMMENDATION: 3	OVERALL RESULT	INDICATORS OF IMPACT
Draft of work plan for the implementation of Naples II upon accession	Conditions created for the application of Naples II	Cooperation with EU customs administrations enhanced

No	ACTIVITIES	RESPONSIBLE AUTHORITIES	DEADLINE	REQUIRED FUNDS / SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
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9.3.1.	Design, adopt and deliver a plan of additional trainings for special forms of cooperation, such as: hot pursuit, cross-border surveillance and controlled delivery for 30 customs officers responsible for the implementation of legislation in the area of detecting and prosecuting customs violations and customs-related crimes and 5 officers from the Ministry of Interior - Criminal Police Directorate and	Customs Administration, Assistant Director General in charge of the Human Resource and General Affairs Division, and Assistant Director General in charge of Enforcement Division	IV quarter of 2017	TAIEX: 9.000 EUR for the year 2017 BUDGET (regular) of Ministry of Finance for the year 2017: 3.784 EUR (Development of a plan: 284 EUR; implementation of trainings 3.500 EUR) TOTAL BUDGET: 12.784EUR	1. Training plan developed, adopted and implemented; 2. 30 customs officers from the Enforcement Division- Anti-smuggling Department (25) Intelligence Department (5) and 5 officer from the MI capacitated for special forms of cooperation, such as: hot pursuit, cross-border surveillance and controlled delivery and	Report on training	
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	Border Police Directorate.				joint investigative teams)		
9.3.2.	Conduct a procedure for the ratification of the Naples II Convention	Ministry of Finance - Customs Administration	Upon accession	BUDGET (regular) 40.008 EUR	The Law Ratifying the Naples II Convention	Official Gazette of the Republic of Serbia	

10. COUNTERFEITING OF THE EURO

CURRENT STATE OF PLAY:

In the area Counterfeiting of the euro (penal aspect) several laws are in force and regulating this matter: 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.

Having in mind that these acts are partially in accordance with EU regulation in further period harmonisation with Directive COM 2013/42, aimed at strengthening of euro protection and fight against its counterfeiting by national penal codes and Council Framework Decision 2001/887/JHA will short term priorities.

Serbia needs to sign the Geneva Convention for the suppression of counterfeiting currency, respecting the obligation of the national central office to communicate information to Europol as foreseen in the Decision 2001/887/JHA. The procedure for the accession to the Geneva Convention for the Suppression of Counterfeiting Currency is initiated by the Ministry of Finance at the beginning of 2015.

Within the MoI, in Criminal Police Directorate, there are units in charge for combating euro counterfeiting: Service for combating organized crime and Service for crime suppression. In order to implement EU standards in this field, a study visit to Slovenian Anti-counterfeiting euro unit was organised by TAIEX. There was also a Slovenian expert visit to Serbia, organized by TAIEX in April 2015. Also study visit to EUROPOL Counterfeiting Unit was conducted in April 2015 and recommendations from that visit were implemented in this Action Plan. One of the results of these visits will be establishing and enhancing capacity of above mentioned Directorate in order to establish National Central Office (NCO).

Within the National Bank of Serbia, in the Cash Department there is a Counterfeits and Currency Analysis Division. This division fully performs the functions of NCC, CNAC and NAC, according to Decision 2001/887/JHA.

Comment [A181]: DG ECFIN informs Serbia that Pericles 2020 programme (Reg. 331/2014/EU) could be an additional possible source of financing for further actions in order to facilitate the process of implementation of the acquis

10.1. RECOMMENDATION: 1	OVERALL RESULT	INDICATOR OF IMPACT
Alignment of the national legislation with the EU	Full alignment with the <i>acquis</i> .	Administrative system established for the

<i>acquis</i> in this area, including with the Geneva Convention, Decision 887/2001/JHA, Directive 2014/62/EU of the European Parliament and of the Council	suppression of counterfeiting currency is compatible with the European standards (level of compatibility of the Serbian administrative system with the European standards)
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No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
10.1.1.	Prepare a Draft Law Ratifying the Convention for the Suppression of Counterfeiting Currency	Ministry of Foreign Affairs	December 2015	BUDGET (regular)for the year 2015: 40.008 EUR	The Law Ratifying the Convention for the Suppression of Counterfeiting Currency	Official Gazette of the Republic of Serbia	
10.1.2.	Align the national legislation with the Directive 2014/62/EU of the European Parliament and of the Council	Ministry of Justice , in cooperation with the Ministry of Interior	December 2015	Chapter 23	Law amending the Criminal Code	Official Gazette of the Republic of Serbia	
10.1.3.	Enhance capacities of the existing organisational unit, by passing an act that will extend its competence in	Ministry of Interior	November2015	BUDGET (regular) for the year 2015: 1.656.00 EUR	By-laws adopted	Conclusion of the Government	

	accordance with the role of the National Central Office from the Decision 2001/887/JHA						
10.1.4.	Create conditions to allow for reporting according to Decision 2001/887/JHA by passing a by-law governing the procedure and method of exchange of information with Europol	Ministry of Interior in cooperation with the National Bank of Serbia	December 2015	BUDGET (regular) for the year 2015: 1.656.00 EUR	By-law adopted	Government Conclusion	
10.1.5.	Learning about the role and introducing best practices of AFCOS within the field of protection of EU financial interests	Ministry of Interior, Serbian AFCOS	August 2015	TAIEX 15.000 EUR	Study visit implemented	Report from study visit, recommendation from study visit	
10.1.6.	Improve cooperation with the	Ministry of Interior in cooperation with	December 2015	BUDGET (regular) for the year 2015:	An agreement on cooperation	Agreement signed	

	Ministry of Finance, its AFCOS Office, by improving its administrative capacities	the Ministry of Finance		1.656.00 EUR			
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10.2. RECOMMENDATION: 2	OVERALL RESULT	INDICATOR OF IMPACT
Propose measures to strengthen capacity to enhance cooperation with DG ECFIN, Europol and the European Central Bank in this area.	Full alignment with the acquis.	Improved level of cooperation with European Union agencies, amount of information exchanged, speed of information flow

No	ACTIVITIES	RESPONSIBLE AUTHORITY	DEADLINE	REQUIRED FUNDS/SOURCE OF FINANCING	INDICATOR OF RESULT	SOURCE OF VERIFICATION	STATE OF IMPLEMENTATION
10.2.1	Strengthen capacities of MoI regarding the exchange of information according to Decision 887/2001/JHA, delivered by European experts	Ministry of Interior in cooperation with the National Bank of Serbia	December 2015	TAIEX 2.950 EUR for the year 2015.	Number of trained employees	Expert report	
10.2.2	Strengthen capacities for cooperation	Ministry of Interior in cooperation with	January 2016	TAIEX 2.950 EUR for the year 2016	Workshop delivered	Expert report	

	with Serbian AFCOS (under the Ministry of Finance), by organising a joint workshop to be lead by European experts	the National Bank of Serbia, Ministry of Finance - AFCOS					
10.2.3.	Learning about best practice and cooperation between the National Bank of Serbia and Criminal Police Directorate in investigations of euro counterfeiting	Ministry of interior, Criminal Police Directorate Service for combating organised crime, the National Bank of Serbia	September 2015	TAIEX Workshop	15 State officers educated	Expert report	
10.2.4.	Sign working arrangements on joining EUROPOL SOYA focal point	Ministry of interior , Criminal Police Directorate, Service for combating organised crime, International Operational Police Cooperation Department; link with Activity	December 2016	BUDGET (regular) – EUR 207 for the year 2015	Increased number of information exchanged through SIENA, number of information sent to EUROPOL focal point for counterfeiting from Criminal police	Working arrangement document	

		6.1.1.7			directorate through EUROPOL (contribution)		
10.2.5.	Learning about jurisdiction of NCO, cooperation between NCO with other national authorities, and learning about best practice	Ministry of interior, Criminal Police Directorate	October 2015	TAIEX 15.000 EUR	Report from study visit, best practice in jurisdiction of NCO and cooperation between NCO is learned	TAIEX report	