



GOVERNMENT OF THE REPUBLIC OF SERBIA
Office of the Deputy Prime Minister for European Integration

Action Plan
for further steps in the implementation
of the Roadmap for visa liberalization

-summary-

Belgrade, January 2009

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INFORMATION ON THE STATE OF PLAY AND ACTIVITIES ENVISAGED BY THE REPUBLIC OF SERBIA UNTIL APRIL 2009 PERTAINING TO THE LIBERALISATION OF THE EUROPEAN UNION VISA REGIME TOWARDS THE REPUBLIC OF SERBIA

Information on the state of play and activities envisaged by the Republic of Serbia until April 2009, pertaining to liberalization of European union visa regime towards Republic of Serbia is another step of relevant Serbian authorities aimed at meeting the criteria for visa regime liberalization. The purpose of this document is to make a breakdown of previous activities, as well as to define concrete measures, responsible executive authorities and the timeframe for the realization of activities in order to undertake strategic realization of the remaining criteria required for visa liberalization.

The information on the state of play and the activities envisaged by the Republic of Serbia for the liberalization of visa regime with the European Union represents an overview of activities of relevant authorities aimed at fulfillment of requirements for visa regime liberalization. The structure of the information is concordant with the Roadmap and the guidelines – it is divided in four blocks: Document security, Illegal migrations, including readmission, Public order and security, External relations and fundamental rights.

Under the Serbian Government conclusion on Information approval, relevant institutions are obligated to realize concrete activities for fulfillment of the remaining criteria for visa liberalization.

We have enclosed with the Information the European Commission's Assessment of the implementation by Serbia of the Roadmap for visa liberalization dated 28 November 2008, as well as answers to the questions contained in the Commission's Assessment.

1. Dialogue on visa regime liberalization

Negotiations between the European Union and the Republic of Serbia on conclusion of Visa facilitation and Readmission Agreements were instituted in November 2006. Following three negotiation rounds, the Agreements were initialed between the Republic of Serbia and the European Commission on 16 May 2007. It was followed by the signing of these Agreements on 18 September 2007 in Brussels, and ratification by the Republic of Serbia on 7 November 2007. The Agreements entered into force on 1 January 2008.

During the negotiations, it was indicated that the dialogue on visa regime liberalization would start soon after the signing of the Agreements. The Serbian Government established on 19 July 2007, even before the outset of visa liberalization negotiations, a Working group for coordination of fulfillment of framework criteria for liberalization of the European Union visa regime towards the Republic of Serbia. The Working group is composed of three members from the Ministry of Interior and one representative from the Ministry of Foreign Affairs, Ministry of Justice, Office of the Deputy Prime Minister for European Integration and European Integration Office, respectively. The Working group is chaired by Drazen Maravic, Head of the Bureau for International Cooperation and European Integration of the Serbian Ministry of Interior.

The Working group is charged with: coordination of activities for fulfillment of framework criteria for visa regime liberalization, preparation of activity plan for relevant authorities regarding the fulfillment of criteria, identification of priorities and tasks arising from the framework criteria and their detailed definition, preparation of relevant authorities for political dialogue on European Union's visa regime liberalization towards the Republic of Serbia.

Expert and administrative/technical support to the Working group activities shall be provided by the Ministry of Interior.

The first meeting of the experts from both sides, which marked the outset of the dialogue on visa regime liberalization, was held on 30 January 2008 in Belgrade. The opening of this dialogue was attended by the Vice President of the European Commission, Franco Frattini and the Deputy Prime Minister of the Republic of Serbia, Bozidar Djelic.

The negotiations were resumed on 8 February 2008 in Brussels, on which occasion the European Commission presented a general framework for the dialogue and announced a presentation of the Roadmap with precise criteria for visa abolishment. On 7 May 2008 in Belgrade, Vice President of the European Commission, Jacques Barrot presented the so-called Roadmap document, containing the requirements for visa regime abolishment, which are classified in four blocks: Document security, Illegal migrations, including readmission, Public order and security, External relations and fundamental rights.

The negotiations were continued on 9 July 2008 in Brussels and the European Commission presented the Roadmap with guidelines on the requirements. It was agreed that the Republic of Serbia would provide Readiness Report at the beginning of September 2008, by policy areas contained in the so-called "Roadmap".

In addition, it was also agreed at our initiative that Serbia would, by 1 November 2008, provide an Annex to the Readiness Report i.e. updated Report, having in mind that several legal documents were adopted in this period.

In accordance with the envisaged activity plan, the Working group for coordination of fulfillment of framework criteria for liberalization of the European Union visa regime towards the Republic of Serbia has, on basis of reports of relevant ministries and institutions, drafted the Readiness Report. This document has 117 pages and its structure is concordant with the Roadmap with guidelines on the requirements. It outlines the activities of competent authorities of the Republic of Serbia regarding the fulfillment of requirements for visa regime liberalization.

The Readiness Report was submitted to the Government for information purposes on 5 September 2008. After the translation, the English version of the document was sent via Serbian Mission in Brussels to the European Commission for consideration.

On 1 November 2008, the European Commission was also provided with the Annex to the Readiness Report i.e. updated Report containing concrete activities realized through the requirements contained in the "Roadmap" in the period from September to November.

Both documents provide a detailed description of the situation in areas relevant for visa liberalization, whereas in the upcoming text we shall outline the key activities realized for the purpose of visa regime liberalization.

2. Activities realized with the aim of fulfillment of requirements for visa regime liberalization – summary

A. Implementation of the Visa Facilitation and Readmission Agreements between the European Community and the Republic of Serbia

As already mentioned, the Agreement between the European Community and the Republic of Serbia on facilitated procedure for visa issuance and ratifying the Agreement between the European Community and the Republic of Serbia on Readmission of Persons Illegally Residing entered into force on 1 January 2008.

These Agreements were primarily ratified by the National Assembly of the Republic of Serbia on 7 November 2007, by adoption of the Law ratifying the Agreement between the Republic of Serbia and the European Community on the facilitation of the issuance of visas (“Official Gazette of RS“ no. 103/07) and Law ratifying the Agreement between the European Community and the Republic of Serbia on Readmission of Persons Illegally Residing (“Official Gazette of RS“ no. 103/07).

In accordance with the Agreement on Readmission/Agreement on Visa Facilitation it is necessary to conclude bilateral agreements on readmission/visa facilitation with the European countries that do not fully apply the Schengen *acquis*, - Denmark, Iceland, Norway and Switzerland.

As regards the activities on conclusion of bilateral readmission agreements with the abovementioned states, the situation is as follows:

Denmark indicated that it is not necessary to conclude a new agreement, as the existing bilateral readmission agreement is in line with the single agreement and it is implemented without any problems;

In March 2008, Norway has submitted the Draft Readmission Agreement, which is in the process of consolidation through diplomatic channels;

Iceland – Draft Readmission Agreement was submitted by Iceland in end-May 2008. Relevant Serbian institutions estimated that the proposed text can be used as a starting point for the upcoming negotiations, with slight corrections and harmonization with the text of the Readmission Agreement with the EU.

Switzerland – During the expert negotiations with Switzerland held on 27-28 August 2008 in Belgrade, final version of the bilateral Agreement on Readmission of Persons Illegally Residing was agreed and it is fully based on the Single Readmission Agreement with the EU.

Estonia – During the expert negotiations held on 5-6 November 2008 in Tallinn, final version of the Implementing Protocol with the Agreement on Readmission of Persons Illegally Residing, which regulates technical and organizational issues regarding the implementation of readmission procedure.

The situation regarding the activities for conclusion of bilateral visa facilitation agreements is the following:

Denmark – the Agreement was signed on 13 March 2008 in the Ministry of Interior (MI) in Belgrade. The MI submitted the Draft Law ratifying the Agreement to the Government for adoption, which will be followed by ratification in the Assembly.

Norway – the Agreement is fully aligned with Norway and it is due to be submitted to the Government for adoption. The Agreement will be signed together with the Readmission Agreement with Norway.

Iceland – Draft Agreement was submitted by Iceland at the beginning of May 2008. Serbian party did not have substantial comments to the proposed text and it has informed the Iceland party thereupon. Further steps are due for Agreement conclusion.

Great Britain remained reserved regarding our initiative for conclusion of bilateral visa facilitation agreement, stating their position that the issue of visa regime liberalisation should be opened after the issuance of biometrical passports has started.

Ireland announced that it would follow Great Britain's steps in the procedure of visa regime liberalization for our citizens.

Switzerland – During expert negotiations with Switzerland held on 27-28 August 2008 in Belgrade, final version of the bilateral Visa Facilitation Agreement was agreed and it is fully based on the Single Visa Facilitation Agreement with the EU.

B. Document security

The new Law on ID cards was adopted ("Official Gazette of RS", no. 62/06) and the Rulebook on ID ("Official Gazette of RS", no. 11/07), whose issuance was started on 15 April 2008.

Legal assumptions for the introduction of new passports were completed by the adoption of the new Law on Travel Documents ("Official Gazette of RS", no. 90/2007), which entered into force on 9 October 2007, and its implementation started six months after it came into effect. This law defines the types of travel documents, deadlines for issuance, terms and procedure for issuance and other important issues.

Starting from 1 November 2008, new travel documents are exclusively issued in accordance with the Law on Travel Documents ("Official Gazette of RS", no. 90/07). As regards the issuance of old template passport, it was envisaged that the old passports would be valid until 31 December 2008, while the procedure was instituted for amendment of this article and extension of validity period for old passports until 31 December 2009.

The current scope of production of travel documents by the Ministry of Interior is 50.000 to 60.000 passports monthly.

On 1 November 2008, the Ministry of Foreign Affairs started with data collection for personalization of new biometric passports in a number of diplomatic missions of the Republic of Serbia – so far in Paris, Dusseldorf and Vienna.

C. Illegal migrations, including readmission

Strategy for Integrated Border Management in the Republic of Serbia was adopted at the Government session of 26 January 2006, and the Action plan for Strategy implementation was adopted on 1 June 2006. On 18 November 2008, new National Coordinator for integrated border management was appointed – Police Adviser Nebojsa Puric.

The Law on Protection of State Border was adopted in the Serbian National Assembly on 23 October 2008, and its implementation will start from 1 April 2009.

National Assembly of the Republic of Serbia ratified the Convention on police cooperation in the South East Europe on 23 July 2007 ("Official Gazette of RS", no. 70/07).

Working arrangement was initialled between the Ministry of Interior of the Republic of Serbia and FRONTEX (European Agency for coordinating operational cooperation between EU Member States in the field of border security). The signing of this agreement is expected by the end of 2008.

With a view to harmonizing legal regulations with the European Union *acquis*, the Law on Asylum was adopted in November 2007 ("Official Gazette of RS", no.109/07) and it entered into force on 1 April 2008.

The Law on Foreigners was adopted in the National Assembly of the Republic of Serbia on 23 October 2008 and its implementation will start on 1 April 2009. This Law regulates the terms of entry, movement and stay of foreigners, as well as responsibilities and activities of Serbian public administration relating to entry, movement and stay of foreigners on the territory of the Republic of Serbia.

D. Public order and security

The Law on Organisation and Competences of Government Bodies in Suppression of Organised Crime (The Official Gazette of the Republic of Serbia, no. 42/02, 27/03, 39/03, 67/03, 29/04, 58/04, 45/05, 61/05) regulates the establishment, organisation, competences and powers of specific organisational units of government bodies for detection and prosecution of perpetrators of criminal offences involving elements of "organised crime".

The said Law has provided for the establishment of specialised government bodies for the fight against organised crime, namely:

- Special Prosecutor's Office – a Special Department for Suppression of Organised Crime within the District Prosecutor's Office in Belgrade;
- Service for Fight Against Organised Crime within the Criminal Police Directorate, Ministry of the Interior;

- The Belgrade District Court has jurisdiction over the cases related to organised crime as a court of first instance (Special Department), whereas the Belgrade Court of Appeals acts as a court of second instance (Special Department).
- Within the District Prison in Belgrade a special detention unit for enforcement of detention measures imposed in the course of criminal proceedings for organised crime (Special Detention Unit).

In December 2006, the Government of the Republic of Serbia adopted the Strategy for Combating Human Trafficking (The Official Gazette of the Republic of Serbia, no. 111/2006) which has established the National Mechanism for coordination of activities and policy-making in respect of fight against human trafficking. The mechanism consists of two levels: central (strategic) and operational. The central level comprises the Council for Fight against Human Trafficking, Coordinator for Fight against Human Trafficking and the National Team for Fight against Human Trafficking. The operational level comprises the judiciary, police and Service for Coordination of Trafficking Victims Support. A significant support at the operational level is given by specialised non-governmental and international organisations. Also, special police teams for fight against human trafficking have been established within the Criminal Police Directorate and Border Police Directorate of the Ministry of the Interior.

At the Government meeting held on 6 November 2008, the chairperson and members of the Council for Fight against Human Trafficking were appointed. Ivica Dačić, First Vice-President of the Government - Deputy Prime Minister and Minister of the Interior, was appointed as Chairperson of the Council. The members are: Diana Dragutinović, Minister of Finance, Žarko Obradović, Minister of Education, Rasim Ljajić, Minister of Labour and Social Policy, Tomica Milosavljević, Minister of Health, and Snežana Malović, Minister of Justice.

On 13 November 2008, the National Coordinator for Fight against Human Trafficking was appointed. It is Mitar Djurašković, Head of the Department for Suppression of Crossborder Crime which is a part of the Border Police Directorate, Ministry of the Interior.

Serbian Government adopted the National Strategy for Fight against Corruption in December 2005 and the Action Plan for the Implementation of the National Strategy for Fight against Corruption on 21 December 2006.

In 2006 the Government established the Commission for the Implementation of the National Strategy for Fight against Corruption and recommendations of the Group of States against Corruption (GRECO). The members of the Commission are representatives of the relevant ministries, justice sector, National Assembly, Council for Fight against Corruption, media and non-governmental sector.

The Law on the Anti-Corruption Agency was adopted by the National Assembly on 23 October 2008. The most important provisions of the Law refer to the setting up, competency, organisation and method of work of the Agency, rules concerning prevention of conflict of interest, property declaration by government officials, as well as the procedure and decision-making in case of violation of this Law.

The National Strategy for Fight against Money Laundering and Terrorism Financing was adopted at the Government meeting held on 25 September 2008.

The Law on Confiscation of Proceeds of Crime was adopted by the National Assembly on 23 October 2008. This Law lays down the requirements, procedure of and bodies competent for detection, confiscation and management of proceeds of crime.

The Law on Responsibility of Legal Persons for Criminal Offences was adopted by the National Assembly on 23 October 2008. This Law sets out the conditions for criminal responsibility of legal persons, penalties that legal persons may be pronounced, the rules of procedure determining the responsibility of legal persons, penalty imposition, adoption of decisions on rehabilitation, termination of security measures or legal consequences of conviction and enforcement of court decisions.

The Law amending the Law on Financing Political Parties, adopted by the National Assembly on 23 October 2008, stipulates that the competences of the National Election Commission, Financial Committee of the National Assembly and the Minister of Finance laid down by the Law on Financing Political Parties are to be transferred to the Anti-Corruption Agency, which is all in compliance with the National Strategy for Fight against Corruption.

The Agreement on Strategic Cooperation between the Republic of Serbia and the European Police Office (Europol) was signed on 18 September 2008 in Belgrade.

The Europol Cooperation Section has been established within the Criminal Police Directorate, in the Department for International Police Cooperation – National Central Bureau of Interpol Belgrade.

The Law on Personal Data Protection, adopted by the National Assembly on 23 October 2008, regulates personal data protection, processing and use of such data, the right of citizens to inspect their own personal data, and the body in charge of supervising the implementation of this Law and protection of citizens' rights.

The National Assembly adopted on 23 October 2008 the Law on Ratification of the Additional Protocol to the CoE Convention for the Protection of Individuals with regard to Automatic Processing of Personal Data. This Law regulates the issue of supervisory authorities in the states Parties to the Convention and the Additional Protocol, as well as the transborder flows of personal data to a recipient which is not subject to the jurisdiction of a Party to the Convention.

E. Foreign relations and fundamental rights

The constitutional and legal provisions guarantee freedom of movement and residence for all citizens. Those rights may however be restricted by law, if necessary, for the purpose of criminal proceedings, public order and safety, prevention of the spread of contagious diseases or defence of the Republic of Serbia (Article 39). The Criminal Code of the Republic of Serbia penalises the breach of those rights by the following offences contained in the Chapter XIV "Criminal Offences against Freedoms and Rights of Man and Citizen": unlawful deprivation of liberty, violation of freedom of movement and residence and abduction.

The Constitution of the Republic of Serbia also protects the rights of the national minorities. The state guarantees a special protection to the national minorities aiming at their full equality and national identity protection. The Article 47 sets out that national affiliation may be expressed freely and that no person shall be obliged to declare his/her national affiliation.

The Constitution of the Republic of Serbia stipulates that, in addition to the rights guaranteed to all citizens by the Constitution, the minority representatives shall be guaranteed additional, individual or collective rights. The individual rights shall be enjoyed individually, whereas the collective rights shall be enjoyed in community with others, in compliance with the Constitution, law and international treaties.

The Republic of Serbia has signed bilateral agreements in the field of minority rights protection with Macedonia, Hungary, Romania and Croatia.

The Republic of Serbia is also a party to the International Covenant on Civil and Political Rights, International Covenant on Economic, Social and Cultural Rights, International Convention on the Elimination of All Forms of Racial Discrimination, Convention on the Elimination of All Forms of Discrimination against Women, Convention on the Rights of the Child, European Convention for the Protection of Human Rights and Fundamental Freedoms, Framework Convention for the Protection of National Minorities and European Charter for Regional or Minority Languages.

The applicable substantial and procedural guarantees of the Republic of Serbia comply with the international and European standards of the national minority rights protection. Pursuant to the provisions of the Constitution of the Republic of Serbia it is prohibited and punishable to provoke and incite any form of racial, national, religious or other inequality, hatred or intolerance.

The Republic of Serbia joined the regional initiative "Decade of Roma Inclusion 2005-2015" in February 2005. The said regional initiative is aimed at reducing the intolerable differences between the Roma and the rest of society by implementing the national action plans in the fields of education, housing, employment and health, while tackling the intersectoral issues such as: anti-discrimination, gender equality and poverty reduction. The basic principle of "Decade of Roma Inclusion 2005-2015" is the inclusion of the representatives of Roma community into preparation and implementation of all measures. The Republic of Serbia holds the presidency over the Decade of Roma Inclusion 2005-2015 in the period July 2008-June 2009.

3. Future course of the dialogue on the liberalization of the visa regime

Starting January 2009, experts from the European Commission will visit the Republic of Serbia with the objective to assess the implementation of the requirements set up in the Road Map.

Heretofore, during the informal meetings it was determined that one of the main issues of these EC expert visits will be the issuance of travel documents in the framework of „Document Security“, thus it is necessary to improve the travel document approval and issuance system for which the needed funds will have to be provided. In the Ministry of the

Interior the current production volume of travel documents is 50.000-60.000 a month. Plans to increase production volume will be realized through a procurement of additional IT equipment for the purposes of issuing travel documents.

In the area of „Migration management“, Mission of the European Commission will also insist on the development of a migration policy and a comprehensive framework for migration management. Having this in mind, it is necessary to establish a specialized agency on migration issues which would undertake the role of co-coordinator in the development of migration strategy and framework in accordance with the requirements of the EU. Precondition for the formulation of national migration policy and establishment of mechanisms for assessment and evaluation of the implementation of the national migration policy is development and adoption of national migration strategy and action plans.

With the objective of intensifying the actions undertaken in order to fulfil the requirements and other criteria for the liberalization of the visa regime it was determined that horizontal cooperation among various sectors should be intensified and due to this a self-initiated Action Plan is being developed in order to facilitate the fulfilment of the criteria for the liberalization of the visa regime of the European Union towards Serbia.

Adoption of the Action Plan which defines concrete activities, competent agencies responsible for the delivering of assigned activities and deadlines-by April of 2009, demonstrates readiness of the Republic of Serbia to continue with the reforms and harmonization of the regulations in areas which are of key importance for the liberalization of the visa regime.

4. Evaluation Report on readiness of the Republic of Serbia for liberalization of the visa regime done by the European Commission and the review of the state of the questions of the European Commission

The European Commission has submitted, on 28 November 2008, its Evaluation Report on country's readiness for liberalization of the visa regime in which general evaluation for each set of issues is given: Document security, Illegal migration including readmission, Public order and security, External relations and fundamental rights. Following this general evaluation a detailed evaluation for each set of criteria is given along with the request for additional information, which are provided for further in the text. To a certain number of questions answers will be provided during the EC mission's visit.

On the basis of the Article 43, Paragraph 3 of the Law on Government („Official Gazette RS“, No. 55/05, 71/05-amendment, 101/07 and 65/08),

The Government adopts

CONCLUSION

1. Information regarding the state of play and planned activities of the Republic of Serbia which are aimed at the liberalization of EU visa regime towards the Republic of Serbia is accepted.
2. Tasks:
 - a) The Ministry of Interior is charged with:
 - preparing a Strategy Proposal for Combating Illegal Migration (due date: by the end of 2008),
 - preparing a Strategy Proposal for Combating Organized Crime (due date: by the end of 2008).
 - preparing a Proposal of an Action Plan for the Implementation of the Strategy for Combating Organized Crime (by the end of 2008)
 - preparing a Proposal of an Action Plan for the Implementation of the Strategy for Combating Human Trafficking (due date: February 2009),
 - preparing a Proposal of the Decision on the Establishment of the Coordination Body for Implementation of Integrated Border Management (due date: by the end of 2008),
 - preparing a Proposal of the Agreement on cooperation in the area of Integrated Border Management (due date: by the end of 2008).
 - b) The Ministry of Foreign Affairs is charged with:
 - carrying out the preparations and the creation of necessary conditions for the implementation of the data acquisition procedures and acceptance of applications for issuing of travel documents of the Republic of Serbia in the diplomatic and consular missions of the Republic of Serbia abroad (due date: April of 2009),
 - c) The Ministry of Justice is charged with:
 - preparing a Draft Law on the ratification of the Convention on the Cyber criminality, from 2001 (due date: by the end of 2008),
 - preparing a Draft Law on the ratification of the Additional Protocol to the Convention on the Cyber criminality, relating to the incrimination acts of racist nature and xenophobia made by the means of information processing systems, from 2003 (due date: by the end of 2008),
 - preparing a Draft Law on the ratification of the Council of Europe Convention on Action against Human Trafficking from 2005 (due date: by the end of 2008),
 - preparing a Draft Law on the ratification of the Council of Europe Convention on Money Laundering, Search, Seizure and Confiscation of the Proceeds from Crime and on the Financing Terrorism, from 2005 (due date: by the end of 2008),

- preparing a Draft Law on the ratification of the Protocol Amending the European Convention on the Suppressing of Terrorism, from 2003 (due date: February 2009),
 - preparing a Draft Law on the ratification of the Council of Europe Convention on the Prevention of Terrorism, from 2005 (due date: February 2009),
 - preparing a Draft Law on International Legal Assistance in Criminal Matters (due date: February 2009),
 - preparing a Proposal of the Decision on Establishing the Government Coordination Working Group for Justice and Home Affairs (due date: by the end of 2008);
- d) The Ministry of Labor and Social Policy is charged with:
- preparing a Strategy Proposal for the Reintegration of returnees under the Readmission Agreement (due date: by the end of 2008),
 - preparing a Proposal of the Action Plan for the reception, providing care and assistance and integration of the returnees under the Readmission Agreement (due date: by the end of 2008),
 - preparing a Draft Law against discrimination (due date: by the end of 2008),
- e) The Ministry of Health is charged with:
- preparing a Strategy Proposal for Combating Drugs in the Republic of Serbia, for the period 2008-2012 (due date: February 2009),
 - preparing a Draft Action Plan for the Implementation of the Strategy for Combating Drugs in the Republic of Serbia for the period 2008-2012 (due date: February 2009);
- f) The Commissariat for Refugees is charged with:
- preparing a Strategy Proposal for Migration Management (due date: April 2009),
 - preparing a Decision Proposal on Establishment of the Government Coordination Body for Migration Management (due date: by the end of 2008);
3. This Conclusion, for the purposes of its realization, should be communicated to the Ministry of the Interior, Ministry of Foreign Affairs, Ministry of Justice, Ministry of Labour and Social Policy, Ministry of Finance, Ministry of Health and to the Commissariat for Refugees.

05 Number:.....

In Belgrade,.....

GOVERNMENT

PRESIDENT