



## **GOVERNMENT OF THE REPUBLIC OF SERBIA**

### **Negotiation Position of the Republic of Serbia for Inter-Governmental Conference on accession of the Republic of Serbia to European Union for Chapter 24 – “Justice, Freedom and Security”**

**- Belgrade 2016 ó**

## **I INTRODUCTION**

The Republic of Serbia accepts the EU *acquis* with respect to Chapter 24 Justice, Freedom and Security as it stands on 01. January 2016. and will be in the position to implement it fully by the time it accedes to the European Union.

The Republic of Serbia will have transposed any outstanding *acquis*, by the date of accession, subject to the outcome of the negotiations under this chapter.

The Republic of Serbia does not request derogations or transitional measures under this chapter.

The Republic of Serbia does not expect to enter the Schengen area or gain access to the Schengen Information System (SISII) on the date of accession to the European Union. The preparations for joining the Schengen area will start through the adoption and implementation of the National Schengen Action Plan.

Serbia recognizes that the EU is strongly committed to the principle of neutrality on the Kosovo\*<sup>1</sup> status, both in bilateral contacts and in the dialogue on normalization of relations between Belgrade and Pristina.

Having that said, Serbia recognizes that Screening Report has several Recommendations in the area of migrations, external borders and Schengen, Judicial cooperation in civil, commercial and criminal matters, Police cooperation and the fight against organized crime relating to continued normalization of relations with Kosovo\* and recognise that those issues are elements of the EU *acquis* in Chapter 24.

Serbia will remain fully committed to the continued normalization of relations with Kosovo\* and implementation of all agreements reached in the dialogue, in particular the IBM agreement, including by cooperating with EULEX as appropriate.

## **II LEGAL AND INSTITUTIONAL FRAMEWORK**

### **1. Migration**

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), Law on Employment of Foreigners (Official Gazette of the RS No. 128/2014), Law on ratification of the Agreement signed between the Republic of Serbia and European Community on readmission of persons

---

<sup>1</sup> This designation is without prejudice to positions on status, and is in line with UNSC 1244 and the ICJ Opinion on the Kosovo Declaration of Independence.

residing without authorization (Official Gazette of the Republic of Serbia ó International Agreements No. 103/2007) as well as Laws on ratification of bilateral Agreements on Readmission. The strategies of the Republic of Serbia by which the migration policy is created include: Migration Management Strategy (Official Gazette of the RS, No. 59/09), Integrated Border Management Strategy in the Republic of Serbia (Official Gazette of the RS, No. 111/2012) and Strategy for the Reintegration of Returnees based upon the implementation of the Readmission Agreement (Official Gazette of the RS, No. 15/09), together with the accompanying Action Plans.

**The Republic of Serbia has partially harmonized** the legal framework on family reunification, status of the third country nationals with permanent residence and third country nationals being scientists or students with corresponding Directives, while **provisions of the EU Directive on Blue Card and Directive on Single Residence and Work Permit are not harmonized with the national legislation.**

**In the area of irregular migration the legislation of the Republic of Serbia is partially harmonized with the provisions of the Directive 2002/90/EC** which stipulates facilitation of illegal entry, transit or stay, **Council Directive 2004/81/EC** on residence permits for third country nationals victims of human trafficking, **Council Directive 2004/82/EC** on carriers' obligations to exchange information on passengers and **Council Directive 2008/115/EC** on common standards and procedures for the return of third country nationals who are residing without authorization.

**The Criminal Code is partially harmonized with Framework Decision 2002/946/JHA** on strengthening of the penal framework with the purpose to prevent facilitation of illegal entry, transit or stay.

**The Republic of Serbia has partially harmonized its legislation with provisions of Directive 2009/52/EC** providing minimum standards for sanctions and measures against employers who are employing third country nationals residing without authorization. There is no provision in the legislation referring to employers who are employing irregular migrants, but there are general provisions within the Labour Law stipulating punishment of the illegal employment.

**The new Law on Employment of Foreigners is partially harmonized 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 or permanent residence (irregular migrant). Law on Employment of Foreigners prescribes inspection supervision of the fulfillment of the conditions of employment of foreigners which is performed by Labour 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 envisaged. Law on Employment of Foreigners

does not stipulate criminal liability of the employer in the case of employment of irregular migrants.

**Readmission Agreements** regulates the procedure of returning persons residing without authorization on the territory of another country and all Agreements signed by the Republic of Serbia so far **are completely harmonized with the EU standards in this area**. When it comes to the implementation of the Readmission Agreement with the EU there are 19 implementing Protocols signed so far with the following countries: Italy, Slovenia, France, Hungary, Great Britain, Austria, Malta, Slovakia, Germany, Romania, Bulgaria, Estonia, and Czech Republic, countries of Benelux, Cyprus, Greece, Sweden, Portugal and Spain.

Bilateral Readmission Agreements are signed with the following 13 countries: Bosnia and Herzegovina, Denmark, Canada, Norway, Croatia, Switzerland, Macedonia, Moldova, Albania, Montenegro, Russian Federation, Portugal and Kingdom of Spain.

The Institutional framework in the area of migration monitoring in Serbia consists of all the relevant institutions involved in the migration system and these are primarily: Ministry of Interior, Commissariat for Refugees and Migration, Ministry of Foreign Affairs, Ministry of Justice and the Ministry of Labour, Employment, Veteran and Social Policy of the Republic of Serbia. Furthermore, civil society and international organization 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. 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 administrations, local trustee, a health centre, a centre for social work, the Red Cross and civil society organizations.

The Ministry of Interior, the Border Police Directorate, the Department for Foreigners - with 70 employees in total, is responsible, at the central level, for the area of legal migration, i.e. improvement and coordination of the activities in the field of movement and stay of foreign nationals and is also in charge for the implementation of planned measures referred to the harmonization of the legislation in this field. This work at the local level is done by the organizational units in Regional police directorates. The number of police officers performing the tasks referring to foreigners issues in the Regional police directorates is about 300.

The Reception Centre for Foreigners in Padinska Skela operates within the Department for Foreigners in which foreigners, who can not be immediately forcibly removed and foreigners whose identity has not been determined or they do not have travel document in their possession, are accommodated. The Reception Centre disposes of 144 places and 35 police officers work there. For the purpose of accommodation of irregular migrants, especially bearing in mind the needs of minors and other vulnerable groups, 2 rooms for accommodation of mothers with children (8 persons) have been refurbished in June 2015.

Within the Border Police Directorate, there is the Department for Suppression of Cross-Border Crime, Irregular Migration and Human Trafficking in charge for the issues of irregular migration. The Department disposes of 35 police officers. At the regional level, there are sections dealing with this issue functional within the Border Police Regional centres and organizational units within the Regional police directorates.

In the framework of the Criminal Police Directorate, Service for fight against organized crime, suppression of smuggling of migrants is within the Section for suppression of human trafficking and human smuggling which is part of the Department for general organized crime. This section has 9 police officers.

The body primarily in charge for conclusion and implementation of the Readmission Agreements in the Republic of Serbia is the Administration Affairs Directorate, Section for implementation of readmission agreements, functional at the central level and disposing of 20 employees. Border Police Directorate is entitled for the implementation of urgent procedures and has a secondary competence when it comes to foreigners' issues and operating at the state border in questions related to readmission, but when it comes to the issues related to transit there is cooperation established at horizontal and vertical level also with other Ministry's organizational units.

The network of diplomatic-consular representations within the Ministry of Foreign Affairs is responsible for issuing travel document for the return of persons and performing interviews with persons under the readmission process.

Commissariat for Refugees and Migration is responsible for migration management and is the bearer of the Strategy for Reintegration of Returnees upon the Readmission Agreement.

## **2. Asylum**

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 (šOfficial Gazette of the SRJš No. 33/97 and 31/01 and šOfficial Gazette of the RSš 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 Law on Asylum is partially harmonized with Directives 2003/86/EC, 2013/32/EU, 2001/55/EC, 2011/95/EU and 2013/33/EU** in the part referring to existence of a specific body responsible for implementation of the asylum procedure; also each foreign national is allowed to file an asylum application and stay on the Republic of Serbia territory while the procedure is finished, with an identity card issued; asylum seekers are entitled to interpreters and legal assistance free of charge during the procedure; unaccompanied minors and persons with special needs are provided with a guardian during the whole procedure; interview (and written minutes) is obligatory part of the procedure; decision is brought in written, there is a possibility of filing a complaint as well as right to seek and be granted court protection. There is also a possibility of filing an additional application. Obligations of the asylum seekers are also harmonized with the Directives. UNHCR is allowed to monitor the whole procedure and take an active role. Concepts of safe country of origin and safe third country are being applied; there are asylum and subsidiary protection; all provision referring to expulsion, cessation and exemption are being applied, as well as provisions referring to accommodation, reunion of families, information and integration preservation. The principle of prohibition of return is completely implemented, as well as residence permit, freedom of movement and issuance of documents (identity cards and travel documents). Employment, education, social protection and health care are accessible, Special attention is given to unaccompanied minors.

Material conditions of reception are at asylum seekers' disposal, including housing, clothes, food and financial assistance, medical screening is obligatory for all asylum seekers accommodated in reception centers. There are special provisions referring to vulnerable persons, including unaccompanied minors, persons with special needs, pregnant women, single parents, victims of torture, rape or other forms of mental, psychological or sexual violence. Appointment of legal guardian for unaccompanied minors is obligatory.

**In this moment, Serbia is not in the position to implement Regulation (EC) No. 2725/2000 and Council Regulation (EC) No. 407/2002** on the establishment of 'EURODAC' system for the comparison of fingerprints **or to conduct the Council Regulation (EC) No. 343/2003** on introducing criteria and mechanisms for determining the Member State responsible for reviewing asylum applications which third-country nationals submit in one of the Member States (öDublin Regulationö).

The Asylum Office (Republic of Serbia Ministry of Interior, Border Police Directorate) is responsible for conducting first instance asylum procedure. The Asylum Office has been expanded for 23 places, and now in total there are 29 officials within the Office. Together with that, out of 29 places, there will be 4 places for interpreters and 19 places for officers working on implementing procedures upon filed asylum request.

The Republic of Serbia's Asylum Commission is an independent second-instance body of the Republic of Serbia Government composed 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 Labour, Employment, Veteran and Social Affairs and two representatives of the civil sector. Upon second instance decisions of the Asylum Commission it is possible to initiate administrative dispute by filing a claim to the Administrative Court of the Republic of Serbia.

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 Labour, Employment, Veteran and Social Affairs 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 centre and provides medical care and assistance to asylum seekers and persons granted asylum.

Besides state 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 this Convention.

Republic of Serbia has established 5 Asylum Centers of open type with the total capacity of 810 places. Resources for building one more centre have been provided through 2014 IPA funds.

During the second half of the year 2015, the Republic of Serbia has faced massive influx of migrants transiting through its territory. In order to provide proper conditions for their registration and reception, accommodation capacities are established in accordance with the Response Plan adopted by the Government of the RS on the 4<sup>th</sup> of September 2015, with aim 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 150%, **second** stage up to 300%, whereas the **third** stage refers to completely unpredictable situations.

In line with the planned activities accommodation capacities of regular asylum centers were raised to 1010 persons and additional 13 locations were determined for establishment of additional reception facilities. The overall capacities of 6000 places, appropriate for different purposes (for short, medium and long term accommodation) and with different accommodation standards, are available and accommodation conditions are being improved on a daily basis.

Republic of Serbia through already established mechanisms is permanently reviewing the overall situation in the field of asylum with special emphasis on available accommodation capacity versus the needs and expected migration flows. Special attention is put on providing sufficient administrative and institutional capacities in the current migration crisis.

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 Office has a database for the collection of administrative information (personal data) related to asylum seekers.

### **3. Visa policy**

**The visa policy legal framework** consists of the **Law on Foreigners** (Official Gazette of RS, No. 97/08), the **Law on Travel Documents** (Official Gazette of RS, No.90/07, 116/08, 104/09, 76/2010 and 62/14), **Visa Rules** (Official Gazette of RS, No.27/10 and 118/13), **Regulation on more specific conditions to deny foreigners entry to the Republic of Serbia** (Official Gazette of RS, No. 75/2009), **Rules concerning more specifically-defined conditions and method of visa-issuing at border-crossing points** (Official Gazette of RS, No.59/2009), and the **Instructions for visa application processing within the Visa Information System** (issued by the MFA, 2012). In accordance with the amendments on the Law on Travel Documents adopted in 2014, the Republic of Serbia abolished the issuance of exit visas for Serbian citizens ó holders of Maritime and Shipping booklets as well as the issuance of other visas on the basis of bilateral agreements.

Regarding the **EC Regulation No. 539/2001** (the positive and the negative list of third countries), Visa regime of the Republic of Serbia is partially aligned with the EU positive list and the negative list of third countries, and before its entry into the Union, it will be necessary to take measures to fully harmonise its visa regime with the one that is in place in the EU. The list of countries whose nationals are not required to have an entry visa for the Republic of Serbia includes all EU Member States and 44 non-EU countries and holders of a UN laissez-passer. The list also includes 13 countries that are on the negative list of the EU (Belarus, Bolivia, Cuba, Kazakhstan, Mongolia, Russian Federation, Tunisia, Turkey, Ukraine, Kuwait, Qatar, Oman and Bahrain). Nationals of 122 countries are required to have an entry visa for the Republic of Serbia (with regard to the mentioned it is necessary to abolish visa regime with 33 countries from the positive list of the EU). On June 2015 a working group for Visa liberalisation was established on an inter-ministerial level of the Ministry of Foreign Affairs, the Ministry of the Interior and the Ministry of Trade, Tourism and Telecommunications in order to address further visa liberalisation directions to comply with the EU positive and negative list.



As regards to **the EC Regulation No. 810/2009 (Visa Code)**, the Republic of Serbia is not fully aligned with respect to visa type, timeframe for visa issuance and providing legal protection in the case of visa refusal. As for **the EC Regulation No. 1683/1995 (uniform visa format)** further improvements will have to be taken regarding some characteristics of visa format.

Regarding **the EC Regulation No. 512/EC 2004 (Visa Information System)**, a national **Visa Information System (VIS)** is modelled upon the system applied within EU Member States and has been operational in 82 diplomatic and consular posts of the Republic of Serbia abroad (out of 91). It is necessary to install VIS in the remaining nine diplomatic missions.

The main institutions in the field of visa policy are: **the Ministry of Foreign Affairs of the Republic of Serbia with its network of diplomatic and consular posts and the Ministry of the Interior- Border Police Department, with border crossings and local police departments. Activities related to the control of the legality of the procedure of visa issuance are the competence of the Ministry of the Interior - Department of Border Police.**

#### **4. External Borders and Schengen**

The basis for legal regulation of the border control and security in the Republic of Serbia is the Law on the Protection of the State Border (RS Official Gazette No. 97/2008 of 27 October 2008 and 20/2015). During the visa liberalization procedure a set of legal acts were adopted in the field of border security in order to achieve harmonization with the EU standards: The Law on Foreigners (RS Official Gazette No. 97/2008), Travel Documents Act (RS Official Gazette No. 90/2007, 116/2008, 104/2009, 76/2010 and 62/2014), The Law on Managing Migrations (RS Official Gazette No. 107/2012), The Asylum Law (RS Official Gazette No. 109/2007), Criminal Code (RS Official Gazette No. 85/2005, 88/2005-cor., 107/2005-cor., 72/2009, 111/2009, 121/2012, 104/2013 and 108/2014), Law on Criminal Procedure (RS Official Gazette No. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014), Law on Weapons (RS Official Gazette No. 09/1992, 53/1993, 67/1993, 48/1994, 44/1998, 39/2003, 101/2005, 85/2005, 27/2011, and 104/2013) , Law on Police (RS Official Gazette No. 101/2005, 63/2009, 92/2011 and 64/2015), Working Arrangement on establishing operational cooperation between the Ministry of the Interior of the Republic of Serbia and the European Agency for the Management of Operational Cooperation at the External Border of the Member States of the European Union (Frontex).

**Provisions of the Law on the State Border Protection and Law on Foreigners are partially harmonized with the Regulation 562/2006/EC, Regulation (EU) 610/2013 and Regulation (EC) 810/2009** in the part referring to conditions of entry, stamping of the travel documents, facilitation 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)

**IBM strategy has been adopted in 2012 and is not fully in compliance with the EU guidelines from 2006.** Border Police Directorate within the Republic of Serbia 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, Traffic and Civil Engineering (Port Authorities) in February 2009. Mechanism for implementation and coordination has been established through 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) and working groups at regional level and local level.

**Currently, international cooperation is conducted based on the Police Cooperation Convention (the Law on Ratification of the Police Cooperation Convention for Southeast Europe (RS Official Gazette – International Agreements No. 70/2007), Working Arrangement with Frontex and several bilateral/multilateral agreements with neighboring 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. There are joint border checks on the border with the Former Yugoslav Republic of Macedonia and Hungary, and the Common Contact Centers were established with Hungary, Croatia, Bulgaria, Former Yugoslav Republic of Macedonia and the Common Trilateral Centre with Montenegro and Bosnia and Herzegovina. 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 level is established.

**Border Police Directorate implements parts of the National Strategy against Corruption on the state border relevant for the period 2013-2018** and the pertaining Action Plan. Police Ethical Code and Plan of Integrity, in line with the highest international standards, have been adopted based on the Law on Police (RS Official Gazette No. 101/2005, 63/2009, 92/2011 and 64/2015). Also, a risk assessment from the corruptive behavior has been performed as well as risk assessment of the staff working in the institutions relevant for the IBM.

At all levels in Border Police Directorate (central, regional, local) there are police officers in charge of the control of legality of work of border police officers implementing several different measures included rotation mechanisms, the four-eye principle, video surveillance and

unannounced controls are also used, as in line with the recommendations and best practice of the Schengen Catalogue. During the past three years, nearly a thousand border police officers have passed different trainings in the area of corruptivebehaviourrecognition and suppression of corruption.

The main responsible authority for border control is the Border Police Directorate within the Republic of Serbia Ministry of Interior. Border Police Directorate 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 BCPs) and 40 border police stations in charge for border control with 94 border crossing points in total (land, air, waters) with 3.260 police officers. The Risk Analysis Unit at the central level, within the Border Police Directorate, has been established in January 2015.

Border crossing points are connected via central information system and are equipped with basic IT equipment, passport readers (scanners), first line control devices. Main border crossing points have equipment for second line check (Projectina - Docubox).

**Technical and administrative capacities available to the Border Police at the moment are not sufficient for full implementation of the Schengen acquis**, therefore its strengthening shall be implemented according to the Action Plan for Chapter 24.

## **5. Judicial cooperation in civil, commercial and criminal matters**

**The legal framework for judicial cooperation in civil and commercial matters** in the Republic of Serbia consists of the following regulations: Law on Resolution of Disputes with the regulations of other countries (Private International Law Act), the Law on courts, the Law on civil procedure, the Law on enforcement and security, the Law on non-contentious procedure, Family law, Law on inheritance, Court rules of procedure. In addition, the Republic of Serbia is a party of 25 multilateral agreements in this area as well as 32 bilateral agreements with 24 countries, 14 of which are EU member states. The Republic of Serbia ratified the Convention on the Civil Aspects of International Child Abduction of 25 October 1980 and the Hague Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in Respect of Parental Responsibility and Measures for the Protection of Children (1996).

**As regards the application of EU legislation governing judicial cooperation in civil matters, with the accession of Republic of Serbia to the EU the following regulations shall be applied:**

- Regulation (EU) No 1215/2012 of the European parliament and of the Council of 12 December 2012 on jurisdiction and the recognition and enforcement of judgments in civil and commercial matters (recast)
- Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I)
- Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II)
- Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000
- Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters
- Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims
- Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure
- Regulation (EC) No 861/2007 of the European parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure

As regards the **acquis in the area of insolvency**, the **Republic of Serbia will directly apply Council regulation (EC) No 1346/2000** of 29 May 2000 on insolvency proceedings upon EU accession.

**The Law on Mediation in dispute resolution is fully aligned with Directive 2008/52/EC** of the European Parliament and of the Council of 21 May 2008 on certain aspects of mediation in civil and commercial matters.

**As regards the acquis in the area of family law, the Republic of Serbia will upon accession to the EU directly apply following regulations:**

- Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000
- Council Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation and
- Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations.

As regards the **acquis in the field of inheritance**, the **Republic of Serbia shall directly apply Regulation (EU) No 650/2012** of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession upon accession to the EU.

**Judicial cooperation in criminal matters** is regulated by following regulations: Law on mutual assistance in criminal matters, the Criminal Procedure Code, Criminal Code, the Law on organization of courts, the Law on organization and competence of state authorities in fight against organized crime, corruption and other especially serious crimes, the Law on organization and competence of government authorities in war crimes proceedings, the Law on seizure and confiscation of proceeds from crime, the Law on execution of criminal sanctions.

**The Republic of Serbia is a party of the Council of Europe 24 multilateral agreements regulating judicial cooperation in criminal matters**, as well as the significant number of conventions of the UN and its organizations. The Republic of Serbia is the contracting party of 52 bilateral agreements governing all or some forms of judicial cooperation in criminal matters with 31 countries. **The Republic of Serbia has direct judicial cooperation with 4 countries** (Slovenia, Montenegro, Bosnia and Herzegovina and Macedonia). Also, **Article 6 of the Law on mutual legal assistance in criminal matters provides a direct cooperation between judicial authorities, in case of reciprocity**. When it comes to the EU, **Serbia has signed 31 bilateral agreements with 19 Member States** regulating the various forms of judicial cooperation in criminal matters.

**The Republic of Serbia has ratified the European Convention on Extradition (1957), as well as four additional protocols to the Convention**. Reserve on Article 6 of the Convention, which prohibits the extradition of its own nationals has been canceled. With regard to the 2002/584/JHA: Council Framework Decision of 13 June 2002 on the European arrest warrant and the surrender procedures between Member States - Statements made by certain Member States on the adoption of the Framework Decision, as well as amendments to this Framework Decision, the Constitution of the Republic of Serbia does not contain a prohibition on the extradition of its own nationals. The prohibition of extradition of own nationals is contained in Art. 16 paragraph 1. of the Law on mutual legal assistance in criminal matters, which need to be amended to be fully aligned with EU legislation. The Republic of Serbia has concluded bilateral agreements with four countries (Croatia, Montenegro, Bosnia and Herzegovina and Macedonia) which allow the extradition of its own nationals.

Also, the **Republic of Serbia ratified the Convention on the Transfer of Sentenced Persons**, concluded in Strasbourg on 21 March 1983 and the Additional Protocol to the Convention on the Transfer of Sentenced Persons, concluded in Strasbourg on 18 December 1997.

As regards the **acquis in part procedural rights of suspected or accused persons in criminal proceedings, the Criminal Procedure Code is fully aligned with Directive 2010/64/EU** of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings.

**As regards the acquis in the part of mutual recognition**, the Republic of Serbia **has not transposed the Council Framework Decision 2008/909/JHA** of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, **the Council Framework Decision 2008/947/JHA** of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions **and Council Framework Decision 2009/829/JHA** of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention. The drafting of a comprehensive impact assessment analysis with the aim to find way how these framework decisions to be transposed into national law is ongoing.

**The Law on seizure and confiscation of the proceeds from crime is fully aligned with the Council Framework Decision 2006/783/JHA** of 6 October 2006 on the application of the principle of mutual recognition to confiscation orders **and Council Framework Decision 2003/577/JHA** of 22 July 2003 on the execution in the European Union of orders freezing property or evidence, while **Law on mutual assistance in criminal matters is partially aligned with the Council Framework Decision 2005/214/JHA** of 24 February 2005 on the application of the principle of mutual recognition to financial penalties.

**When it comes to criminal records**, the Republic of Serbia **legislation is not in line with the Council Framework Decision 2009/315/JHA** of 26 February 2009 on the organization and content of the exchange of information extracted from the criminal record between Member States. **With regard to the implementation of Council Decision 2009/316/JHA** of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of **Framework Decision 2009/315/JHA**, **there is a criminal record registry kept by the Ministry of Interior. The respective record is not in electronic form.**

In the Republic of Serbia, the legal basis for the establishment of joint investigation teams is in article 96 of the Law on mutual assistance in criminal matters. **The Republic of Serbia legislation has been partially aligned with the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union (MLA 2000)** and its Protocols, the Council Framework Decision of 13 June 2002 on joint investigation teams, the Council recommendation of 8 May 2003 on a model agreement for setting up a joint investigation team (JIT) and the Council Resolution of 26 February 2010 on a Model Agreement

for setting up a Joint Investigation Team (JIT). The Republic of Serbia has concluded 4 agreements on establishment of joint investigation teams.

**As regards the rights of victims**, legislation in the Republic of Serbia **is partially aligned with 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.**

**To conclude an agreement with Eurojust, Serbia needs to changes its regulations governing the protection of personal data.** In addition, it is necessary to carry out the training of judges and prosecutors on this topic. After the conclusion of agreement in order to send a liaison officer, it is necessary to prepare the criteria and procedures for the selection of liaison officers, as well as specify its rights and obligations. It is necessary to take all measures to facilitate the communication to liaison officer in the headquarters of Eurojust.

Judicial cooperation in civil, commercial and 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, National Programme for Adoption of the Acquis (First Revision of the document for period 2014 ó 2018) and Action Plan for Negotiating Chapter 24: šJustice, Freedom and Securityš.

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 judicial cooperation in civil and commercial matters. The Ministry of Justice ó the Department for International Legal Assistance is central authority of communication for most international treaties in this area.

The institutional framework of judicial cooperation in criminal matters consists of courts and prosecutorš offices (judicial cooperation is provided by judicial authorities ó basic and higher courts and public prosecutorš offices, in accordance with their substantive and territorial jurisdictions), Ministry of Justice (central authority through judicial cooperationg in criminal matters takes place), Ministry of Foreign Affairs and Ministry of Interior ó INTERPOL.

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. Republic Prosecutor's Office received the observer status in the Network of prosecutors at the Supreme Courts of the EU, while the Ministry of Justice received observer status within the Network for legislative cooperation between the Ministries of Justice of the EU.

Regarding administrative capacities judges and judicial assistants, prosecutors and prosecutorial assistants are not sufficiently familiar with EU legislation on judicial cooperation in civil, commercial and criminal matters. For that reason, it is necessary to develop a consistent and effective training program. The Judicial academy provides training for judges and prosecutors based on curricula that cover judicial cooperation in civil, commercial and criminal matters

As for the collection of statistics, the Ministry of Justice has Luris software program, which allows data collection and preparation of statistical reports on various parameters of judicial cooperation in civil, commercial and criminal matters (such as the number of requests by country, by agreement, by the type of legal help, etc.).

## **6. Police cooperation and fight against organized crime**

### **6.1 Police cooperation**

Legal framework which regulates police cooperation in the Republic of Serbia consists of: **Criminal Procedure Law** (Official Gazette of the Republic of Serbia no. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014), **Law on Police** (Official Gazette of the Republic of Serbia no. 101/2005, 63/2009- decision of the Constitutional Court, US, 92/2011, 64/2015), **Law on Ratification of the Agreement on Operational and Strategic Cooperation between the Republic of Serbia and EUROPOL** (Official Gazette of the Republic of Serbia ó International Agreements no. 5/2014), **Criminal Code** (Official Gazette of the Republic of Serbia no. 85/2005, 88/2005-correction, 107/2005- correction, 72/2009, 111/2009, 121/2012, 104/2013 and 108/2014 ), **Law on Personal Data Protection**(Official Gazette of the Republic of Serbia no. 97/2008, 104/2009-other law, 68/2012- decision of the Constitutional Court and 107/2012), **Law on Confidentiality of Data**(Official Gazette of the Republic of Serbia no. 104/2009), **Law on International Legal Assistance in Criminal Matters** (Official Gazette of the Republic of Serbia no. 20-09), and **the Law on the ratification of the SELEC Convention** (Official Gazette of the Republic of Serbia no.8/2011) as well as bilateral and multilateral agreements on police cooperation with the Third Countries, including the 15 EU Members States, more than 25 UN and Council of Europe Conventions on organized crime and terrorism.

In the Republic of Serbia there is **the institutional framework and structure** responsible for international operational police cooperation and it conducts law enforcement at the optimal level in accordance with their authorizations and capacities, relative to the tasks entrusted by law. **International operational police cooperation** in the Republic of Serbia takes place via different communication channels (international ó **INTERPOL, EUROPOL, SELEC**, and bilateral ó on the basis of international agreements), and it is also carried out through police liaison officers of foreign polices who are accredited in the Republic of Serbia. The Republic of Serbia has liaison at the bilateral level in Italy, Belgium and FYROM as well as in the USA.



The International Operational Police Cooperation Department was established in 2011 as a part of the Police Directorate, Ministry of the Interior of the Republic of Serbia. It represents the Single Point of Contact (SPOC) in the area of international operational police cooperation, which operates on 24/7 basis. It has 88 systematized work places, 63 of which are filled.

The Republic of Serbia has been an INTERPOL Member State since 2001. It participates in the INTERPOL databases of wanted persons, stolen motor vehicles, documents, works of art and other.

**The Republic of Serbia signed the Operational Agreement on Cooperation with EUROPOL** which came in force in June 2014. The contact point via which the data are exchanged is the EUROPOL National Unit (ENU). The Serbian ENU has 9 work places and 4 are currently filled. It has direct access to all national databases. Secure communication link via EUROPOL Network Application for secure exchange of information (SIENA) was established in 2012. Serbia has joined the following Focal Points of EUROPOL: *FPTwins* (child sexual abuse through the Internet), *FP Checkpoint* (illegal migration), *FPPhoenix* (trafficking in human beings), *FPCyborg* (cyber attacks), and Focal Points in relation to counter-terrorism (*FPHydra*, *FPTravellers*) and Focal Points in relation to combating drug trafficking (*FPCannabis*, *FPHeroin*, *FPSynergy*, *FPCola*).

The Republic of Serbia has been the Member State of the **SELEC Centre** (previously the SECI Centre) since 2001. The Republic of Serbia has continuously had its police and customs liaison officers in SELEC Center in Bucharest since 2002.

**In the field of security in connection with international football matches, the Republic of Serbia is harmonized with the EU Legal Acquis (EU Council Decision 2002/348/JHA of April 25<sup>th</sup>, 2002).** In 2011, the Division for Monitoring and Suppressing Violence in Sports Events ó National Football Information Centre (NFIC) was established within the Department for Public Peace and Order within the Police Directorate. This Division comprises: The Section for Planning and Monitoring Security Measures at Sports Events and the Section for Monitoring Supportsø Group and Exchange of Information on Sports Events. Relevant organizational units 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 both national and international dimensions.

**In the field of protection of public figures, the Serbian legislation is harmonized with the EU Council Decision 2002/956/JHA** dated 28.11.2002 on establishing European network for protection of protected persons. The Department for Securing Persons and Objects is systematized within the Police Directorate of the MOI of the Republic of Serbia and it is at the same time the National Contact Point for protection of public figures, which will participate in the work of European network for protection of public figures.

**The legal framework of the Republic of Serbia is partially harmonized with Framework Decision 2006/960/JHA on Simplifying Data and Intelligence Exchange between the MS law enforcement authorities and EU (Swedish Initiative) and the Decision 2008/615/JHA on Intensifying Transborder Cooperation, especially in combating terrorist and transborder crime (Prüm Decision), namely:**

- Data workflow has been developed, with a view to centralized exchange of information with the foreign police authorities, and the mechanisms for timely dealing with urgent requests have also been developed.
- Data are exchanged with foreign police through secure communication links and the exchange is done exclusively on the basis of the defined rules, that is: for the purpose of police - prosecutor investigation or for conducting criminal proceedings and providing international legal assistance in criminal matters.
- All the data is liable to the standards of personal data protection and data confidentiality.
- Special register for keeping EUROPOL foreign data classified as "RESTRICTED-INTERNO" has been created.
- Exchange of operational police data 24/7 has been defined and established at the national level.
- National contact points have been defined in accordance with the national legislation.

In its capacity as an expert service within the MOI, the Sector for Analysis, Telecommunications and Information Technology, the Information Technology Department is responsible for the integrated automated information system of the Ministry (JIS). The AFIS system is in place and it supports the use of standard NIST format. There is a partial DNA database at the level of the Ministry of the Interior, but there is no centralized DNA database at the national level as there is no law in place which regulating this.

The Ministry of the Interior of the Republic of Serbia and the European Police College (CEPOL) have agreed on the text of a agreement on cooperation. The official signing of the agreement by both parties is expected so that it would enter into force. The national contact point for cooperation with CEPOL is the Division for Vocational Education and Training within the Sector for Humans Resources of MOI Serbia.

## **6.2 Fight against organized crime**

Legislative framework related to combating organized crime, in addition to the **Republic of Serbia Constitution** ("Official gazette of the RSö, No. 98/06), is primarily composed of the following laws: **Criminal Code** ("Official gazette of the RSö, Nos. 85/2005, 88/2005 ó corr.,

107/2005 ó corr., 72/2009, 111/2009, 121/2012, 104/2013 and 108/2014), **Criminal Procedure Code** (óOfficial gazette of the RSö, Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014), **Law on organization and jurisdiction of government authorities in suppression of organized crime, corruption and other severe criminal offences** (óOfficial gazette of the RSö, Nos. 42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004 ó separate law, 45/2005, 61/2005, 72/2009, 72/2011 ó separate law, 101/2011 ó separate law and 32/2013), **Law on basic regulation of security services of the Republic of Serbia** (óOfficial gazette of the RSö, Nos. 116/2007 and 72/2012), **Law on police** (óOfficial gazette of the RSö, Nos. 101/2005, 63/2009 ó Constitutional Court Decision, 92/2011 and 64/2015), **Law on Security-Information Agency** (óOfficial gazette of the RSö, Nos. 42/2002, 111/2009, 65/2014 - Constitutional Court Decision and 66/2014), **Law on Military Security Agency and Military Intelligence Agency** (óOfficial gazette of the RSö, Nos. 88/2009, 55/2012 - Constitutional Court Decision and 17/2013), **Law on the protection program for participants in criminal proceedings** (óOfficial gazette of the RSö, No. 85/2005), **Law on Seizure and Confiscation of Proceeds of Crime** (óOfficial gazette of the RSö, No. 32/2013) and **Data secrecy law** (óOfficial gazette of the RSö, No. 104/2009), **Law on organization and competences of government authorities combating cyber-crime** (óOfficial gazette of the RSö, Nos. 61/2005 and 104/2009).

Strategic framework related to combating organized crime is composed of the following strategies: the **National Strategy on Anti-Money Laundering and Terrorism Financing** (óOfficial gazette of the RSö, No. 89/2008), the **Information Society Development Strategy in the Republic of Serbia until year 2020** (óOfficial gazette of the RSö, No. 51/2010), the **Strategy on Control of Rifle and Small Arms in the Republic of Serbia for period 2010-2015** (óOfficial gazette of the RSö, No. 36/2010), **Financial Investigation Strategy for the Period from 2015 through 2016** (óOfficial gazette of the RSö, No. 43/2015).

The Republic of Serbia introduced through the Criminal Procedure Code(óOfficial gazette of the RSö, Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014) prosecutorial investigation that was implanted as of 1<sup>st</sup> of January 2012 in judiciary with special jurisdiction and as of 1<sup>st</sup> October 2013 in judiciary of general jurisdiction.

Institutions that are leaders in fight against organized crime are The Ministry of Interior, Police Directorate - **Department for Combating Organized Crime**, the Republic Public Prosecution Office ó the **Prosecution Office for Organized Crime and Special departments of the High Court in Belgrade and the Appellate Court in Belgrade**. In addition to the listed institutions, specific competencies are given to the following institutions: **the Security-Information Agency, the Military Security Agency, the Administration for the prevention of money laundering of customs and tax authorities**. Upon order of a public prosecutor is conducted a financial investigation by the **Financial investigation unit** within the Ministry of Interior, while during the procedure itself, based on the court decision, it is possible to perform temporary and permanent seizure and confiscation of proceeds of crime from natural and legal persons, and

management of those assets is performed by the **Directorate for administration of seized assets** within the Ministry of Justice. Competent institutions within the area of cyber-crime are the **Special Prosecution Office for High-tech Crime, the Department for fight against cyber-crime of the Republic of Serbia Ministry of Interior, High Court in Belgrade** for the first instance trials and the **Appellate Court in Belgrade** for the second instance trials.

**The Prosecution Office for Organized Crime (POOC)** has 66 employees in total: the Prosecutor for Organized Crime, 18 deputy prosecutors, 19 prosecutorial assistants and 28 members of the administrative and the technical staff. **The Department for Combating Organized Crime (DCOC)** has 214 employees in total out of 280 foreseen positions, consequently ó lack of capacities. The existing information-technical equipment of the police is not at the satisfactory level. The existing information-technical equipment of the Prosecution Office for Organized Crime is not at the satisfactory level.

The Republic of Serbia **has adopted first National Serious and Organized Crime Threat Assessment (SOCTA)** based on EUROPOL methodology, as a result of project (2014-2016) with the OSCE Mission in Republic of Serbia - õStrengthening capacities for strategic analysis and strategic assessment within the Criminal Police Directorates of the Republic of Serbia, Montenegro and FYRO Macedonia. This document will serve as a scope for security risk assessment and for defining priorities in the police work.

Establishment of the **ILP** represents one of the goals within the MoI development strategy for the period 2011-2016 and the MoI Strategic priority for the period 2015-2018. The MoI has adopted and has been implementing the Obligatory instruction on operative work of the police as well as Instruction on recording and classifying organized criminal groups, which is a necessary precondition for drafting the SOCTA.

Within the area of technical capacity building a unique information system has been developed in the MoI (database on criminal offences and perpetrators, on persons, vehicles, weapons, event log, on persons asked to show their ID, misdemeanors, crossings over the state border, etc.).

**Establishment of uniform centralized criminal intelligence system and secure platform for communication** between law enforcement authorities is one of the goals of the MoI Development strategy for the period 2011-2016 and the MoI Strategic priority for the period 2015-2018. Basic goal of establishment of the Republic of Serbia **Criminal Intelligence System (KOS)** is automatic exchange of data between different public authorities through the protected system. The inter-sectoralwork group has drafted a Draft of the Strategic document for launching a project for establishment of the Republic of Serbia Criminal Intelligence System in line with activities described in the Action Plan for the Negotiation Chapter 24. R

**Retention of data** obtained or processed related to providing publicly available electronic communication services or public communication networks in the Republic of Serbia is based on

the Constitution and proscribed by laws. Hence, normative framework for implementation of special investigative measures by security agencies and the police of the Republic of Serbia is comprised of the Criminal Procedure Code (Official gazette of the RSö, Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014), the Law on electronic communications (Official gazette of the RSö, Nos. 44/2010, 60/2013 ó the Constitutional Court Decision and 62/2014), Law on basic regulation of security services of the Republic of Serbia (Official gazette of the RSö, Nos. 116/2007 and 72/2012), the Law on Security-Information Agency (Official gazette of the RSö, Nos. 42/2002, 111/2009, 65/2014 - Constitutional Court Decision and 66/2014), and the Law on Military Security Agency and Military Intelligence Agency (Official gazette of the RSö, Nos. 88/2009, 55/2012 - Constitutional Court Decision and 17/2013).

**The Republic of Serbia legislation is partially in compliance with the Framework Decision 2008/841/JHA from 24<sup>th</sup> of October 2008 on combating organized crime and the Republic of Serbia has ratified the UN Convention against transnational organized crime (adopted by the Resolution A/RES/55/25 from 15<sup>th</sup> of November 2000) with additional protocols.**

The Republic of Serbia has introduced a **proactive approach** to combating organized crime by implementing goals set by the National strategy for combating organized crime, and it shall continue it through implementation of the SOCTA analysis Organized crime threat assessment at the national levelö and the ILP model of work. With a view to introduce uniform practice and recording, on 20<sup>th</sup> of January 2014 the Republic Public Prosecutor passed the Instruction defining proactive approaches.

The Republic of Serbia has adopted the **Financial Investigation Strategy for the Period from 2015 through 2016**. The Republic of Serbia legislation is not in compliance with the Framework Decision 2007/845/JHA regarding the ARO. Furthermore, Serbia shall establish the **Asset Recovery Office (ARO)** of the Ministry of Interior within the Financial Investigation Unit.

The Law on suppression of money laundering and financing terrorism proscribes actions and measures to be undertaken, among others, with a view to prevent criminals from integrating proceeds of committing criminal offences of organized crime into legal financial circulation and use it subsequently as legally gained assets. The Law is in compliance with 40+9 FATFrecommendations (the European Parliament and the Council used as grounds to adopt relevant legal acts ó 91/308/EEC, 2001/97/EC, 2005/60/EC).

Monitoring over implementation of the **National Strategy on Anti-Money Laundering and Terrorism Financing**, i.e. activities from the Action Plan is conducted by the Permanent coordination group composed of representatives of the Administration, the National Bank of Serbia, the Republic Public Prosecution Office, the Ministry of Interior, the Republic of Serbia

security agencies, the Ministry of Foreign Affairs and all of the competent authorities within the system for fight against money laundering and financing terrorism.

The Administration for Prevention of Money Laundering (hereinafter the Administration) In the event of existence of grounded suspicion for money laundering of financing terrorism in place, the Administration submits to public authorities, competent for discovering criminal offences, data and information resulting from the conducted analysis. In 2003 the Administration became member of the Egmont group of financial-intelligence services and of the Moneyval(The Council of Europe's anti-money laundering and counter terrorist financing body). The Administration has signed 44 Memorandums of Understanding of cooperation of financial-intelligence services concerning the exchange of information related to money laundering and terrorism financing with foreign financial-intelligence services, 15 of which are with services of the EU member states. It has been determined 28 job positions and 28 are currently permanently employed. The existing information-technical equipment is not at the satisfactory level.

The Law on Seizure and Confiscation of Proceeds of Crime entered into force on 16<sup>th</sup> of April 2013 **and it is aligned with the Framework Decisions**, namely: the **Decision 2001/500/JHA** related to money laundering, identification, discovering, freezing and confiscation of assets and incomes gained through committing of a criminal offence, the **Decision 2003/577/JHA** related to freezing of assets, the **Decision 2005/212/JHA** related to confiscation of assets gained through committing of a criminal offence **and the Decision 2006/783/JHA** related to mutual recognizing of the order for confiscation of assets.

**The Law on Seizure and Confiscation of Proceeds of Crime is not aligned with the Council Decision 2007/845/JHA** on cooperation between authorities competent for confiscation and administration of the proceeds of crime of the member states within the field of tracking and finding proceeds of crime **and the Directive 2014/42/EU** of the EU Parliament on freezing and confiscation of assets and proceeds of crime in EU from 3<sup>rd</sup> of April 2014.

The authorities competent to trace, seize/confiscate and manage the proceeds from crime shall include the public prosecutor, the court, Financial Intelligence Unit of the Ministry of Internal Affairs, and the Directorate for management of seized and confiscated assets.

Normative framework of the Republic of Serbia in this area **is partially harmonized with the Directive 2011/36/EU and the Council Directive 2004/81/EC**. The Strategy on Fight Against Human Trafficking in the Republic of Serbia has been adopted in December 2006.

The Republic of Serbia has amended the Criminal Code, increasing legal minimum and maximum at basic form of the criminal offence, without possibility for sentencing below the legal minimum. Moreover, the Law stipulates that a prison sentence shall be imposed to those who exploit and use services of a person who had already become the trafficking victim, which is

aligned with the **Council of Europe Convention No. 197 on Action against Trafficking in Human Beings ratified by the Republic of Serbia on 18<sup>th</sup> of March 2009.**

The Republic of Serbia Government Council for fight against trafficking in human beings is the most important public body in the Republic of Serbia for fight against trafficking in human beings at the strategic level, established in December 2005, as professional advisory body to the Government. Members of the Council are: Minister of Interior, Minister of Finance, Minister of Education, Science and Technology Development, Minister for Labor, Employment, Veterans and Social Affairs, Minister of Health and Minister of Justice, and the Council is managed by the minister in charge of internal affairs.

Cooperation agreement of public authorities in the area of fight against trafficking in human beings, with the Annex of guidelines for standard operative procedures of treating trafficking victims, was signed in November 2009 by the Ministries competent for interior, justice, health, finance, education and science, labor and social affairs.

Within public prosecution office for criminal prosecution of the trafficking in human beings have been nominated contact points in all High public prosecution offices in Serbia. In addition to this, the Republic Public Prosecution Office in Serbia has signed the Memorandum on understanding with civil society organizations providing legal representation, support and assistance to the trafficking victims.

Within the Police Directorate of the Republic of Serbia Ministry of Interior there are units specialized for fight against trafficking in human beings at various levels (The Office for coordination of activities related to fight against trafficking in human beings, within the Border police administration there is the Department for suppression of illegal migration and trafficking in human beings, as well as different units responsible for fight against cross-border crime, illegal migration and trafficking in human beings, within the Department for Combating Organized Crime there is Special department dealing with cases of investigations of trafficking in human beings and smuggling of migrants).

In April 2012 was established the Center for trafficking victim protection by the Government. There are also Residential Institutions, Centers for Social Work. Along with other competent institutions, the Center for trafficking victim protection has developed criteria for identification of the trafficking victims, published at their website and has delivered training.

Legal framework of the Republic of Serbia in the area of **high-tech crime is partially harmonized with the Directive 2013/40/EU. There is no compliance in the area related to the stipulated sanctions, and in the area of definitions of criminal offences and with the Directive 2011/93/EU.**

**The Republic of Serbia has ratified the Convention on cybercrime** (Official gazette of the RSö, No. 19/2009) **and the Additional Protocol** to the stated Convention related to incriminating offences with aspects of racism and xenophobia committed using computer systems (Official gazette of the RSö, No. 19/2009), and the Council of Europe Convention on protection of children from sexual exploitation and sexual abuse (Official gazette of the RSö, No. 1/2010).

The Law on organization and jurisdiction of government authorities for fight against cybercrime from 2005 established the Special Prosecution Office for Fight against High-tech Crime. The Prosecution Office employs the Special Prosecutor for High-tech Crime, two Deputy Special Prosecutors, three Assistants to the Special Prosecutor and two administrative clerks. Department for fight against cybercrime has been established within the Ministry of Interior, employing the Head of the Department and 19 police officers in two sections: the Section for suppression of electronic crime and the Section for fight against crime in the area of intellectual property. The Higher Court in Belgrade is competent for proceeding in cases of high-tech crime for the Republic of Serbia territory, and ruling at the second instance level is competence of the Appellate Court in Belgrade.

**The new Law on weapons and ammunition** (Official gazette of the Republic of Serbiaö, No. 20/2015) that entered into force on 4th of March 2015 **is aligned with the European Union Directive on control of purchase and possession of weapons 91/477/CEE and the Directive 2008/51/EC, except in the part referring to the issue of the European passport for weapons.** The new Law on weapons and ammunition regulates purchase, keeping, carrying, collectorship, repairing, remodeling, trade, intermediating and transportation of weapons and ammunition. Provisions of the Law are related to foreigners as well, but are not applied to governmental authorities purchasing, keeping, carrying and transporting weapons and ammunition in line with special regulations. The Ministry of Interior is competent for implementation of the Law. The strategic framework is regulated by the Strategy on Control of Rifle and Small Arms in the Republic of Serbia for period 2010-2015 as well as by the Action Plan. Affairs related to implementation of the Law on weapons and ammunition at the level of the Ministry of Interior are organized within the Police Directorate, the Administration for administrative affairs, as well as within the police administrations and the police precincts with 331 police officers in total.

Within the Republic of Serbia Ministry of Interior, the Criminal Police Administration, the Department for Combating Organized Crime, the Department for suppression of smuggling of weapons and dangerous material there is a specialized organizational unit with basic purpose to suppress smuggling of fire arms. The Department has 5 classified and filled job positions.

In the area of **witness protection the Republic of Serbia is partially aligned.** Namely, in addition to ratifying relevant conventions, the Republic of Serbia harmonized its legislation with the Recommendation No. R (97) 13 on witness intimidation and rights of the defense, the



Recommendation R (2000) 11 on activities against trafficking in human beings for sexual exploitation, the Recommendation R (2001) 11 on main principles for fight against organized crime, the Recommendation R (2005) 9 on protection of witnesses and collaborators of justice, the Council Resolution from 20<sup>th</sup> of December 1996 on persons collaborating with judicial bodies in fight against international organized crime. Furthermore, The Law on Witness Protection Program in Criminal Proceedings established on 1<sup>st</sup> of January 2006 specialized Unit for protection in charge of implementation of the Protection program for witnesses and related persons.

**The Republic of Serbia is partially aligned with the Directive 2012/29/EU**, since in the area related to the system of support to the injured persons/witnesses there is the Service for witness support only in the High Court in Belgrade, within the Department for war crimes, competent based on amendments of the Court Rulebook to proceed in cases of organized crime as well.

## **7. Fight against Terrorism**

The field of combating terrorism in the Republic of Serbia is regulated by the **Criminal Code** ("Official Gazette of the Republic of Serbia" Nos. 85/2005, 88/2005 - corr., 107/2005 - corr., 72/2009, 111/2009, 121/2012, 104/2013, 108/2014 and 121/12), as well as by the **Criminal Procedure Code** ("Official Gazette of the Republic of Serbia" Nos. 72/2011, 101/2011, 121/2012, 32/2013, 45/2013 and 55/2014), the **Law on the Protection Program for Participants in Criminal Proceedings** ("Official Gazette of the Republic of Serbia" No. 85/2005), the **Law on Seizure and Confiscation of the Proceeds from Crime** ("Official Gazette of the Republic of Serbia" No. 32/2013) and the **Law on the Prevention of Money Laundering and the Financing of Terrorism** ("Official Gazette of the Republic of Serbia" Nos. 20/2009, 72/2009 and 91/2010), the **Law on the Basis Regulating Security Services of the Republic of Serbia** ("Official Gazette of the Republic of Serbia" Nos. 116/2007 and 72/2012), the **Law on the Security Information Agency** ("Official Gazette of the Republic of Serbia" Nos. 42/2002, 111/2009, 65/2014 - Decision of the Constitutional Court and 66/2014), the **Law on Military Security Agency and Military Intelligence Agency** ("Official Gazette of the Republic of Serbia" Nos. 88/2009, 55/2012 - Decision of the Constitutional Court and 17/2013), the **Law on Police** ("Official Gazette of the Republic of Serbia" Nos. 101/2005, 63/200 - Decision of the Constitutional Court, 92/2011 and 64/2015), the **Law on the Organization and Jurisdiction of Government Authorities in Suppression of Organized Crime, Corruption and Other Severe Criminal Offenses** ("Official Gazette of the Republic of Serbia" Nos. 42/2002, 27/2003, 39/2003, 67/2003, 29/2004, 58/2004 - other law, 45/2005, 61/2005, 72/2009, 72/2011 - other law, 101/2011 - other law and 32/2013), and the **Data Secrecy Law** ("Official Gazette of the Republic of Serbia" No. 104/2009), the **Law on the Freezing of Assets with the Aim of Preventing Terrorism** ("Official Gazette of the Republic of Serbia" No. 29/2015), the **Law on Payment Services** ("Official Gazette of the Republic of

Serbia" No. 139/2014). **Law on international restrictive measures** ("Official Gazette of the Republic of Serbia" No. 10/2016).

**Serbia is a party in all 15 Conventions**, whose aim is countering terrorism in accordance with the obligations from the Joint Council's position on fighting against terrorism 2001/930/CFSP (Common Foreign and Security Policy).

Amendments to the Criminal Code from 2014 provided harmonization with the **Council Framework Decision on Combating Terrorism (2002/475/JNA)**, by defining two new criminal acts in the Chapter 34. Those are participation in war or armed conflict in the foreign country (Article 386a) and the organization of participation in war or armed conflict in the foreign country (Article 386b). At the same time, Criminal Code defines new criminal acts: Public Instigation of Terrorist Acts (Article 391a), Recruitment and Training for Terrorist Acts (Article 391b), Financing Terrorism (Article 393), Terrorist Conspiracy (393a) which is harmonized with amendments of **Framework Decision on Combating Terrorism (2008/919/JHA)**. The Public Prosecutor's Office for Organized Crime brought charges against several individuals for the said criminal offences.

Regarding **Decision on the Exchange of information and Cooperation Concerning Terrorist Offences (2005/671/JHA)**, the Sector for Fighting Terrorism and Extremism within the Ministry of Interior of the Republic of Serbia is a central body for cooperation with EUROPOL about exchange of information and combating terrorism. Republic of Serbia signed an Agreement on operational and strategic cooperation with EUROPOL in 2014.

**The Law on Mutual Assistance in Criminal Matters, article 96, established the legal basis for the establishment of joint investigation teams which includes those for combating terrorism.**

**The Republic of Serbia has not yet determined the competent body for correspondence with EUROJUST.**

The legislative framework of the Republic of Serbia is not harmonized with **Directive 2008/114/EC regarding the identification and marking of the European critical infrastructure.**

Regarding the strategic framework of countering terrorism, Serbia has two strategic documents: The National AML/CFT Strategy and Action Plan and the Strategy for Fighting Financial Crime in the period from 2015 to 2016. **For the purpose of complete harmonization with the EU framework in countering terrorism, the Strategy and Action Plan for Preventing and Combating Terrorism will be adopted.**

The National Anti-Money Laundering/Combating the Financing of Terrorism Strategy and Action Plan, ("Official Gazette of the Republic of Serbia" No 3/2015) envisages as a specific objective complete understanding of the risk from financing terrorism, as well as the measures for upgrading quality of reports on suspicious transactions, monitoring, processing of the Administration for Prevention of Money Laundering suspicious transactions reports, cooperation of relevant authorities and trainings in fighting against financing of terrorism. Strategy for Fighting Financial Crime in the period from 2015 to 2016 ("The Official Gazette of RS" No. 43/15) envisages defining and documenting of money flows during the criminal activities, i.e. its transformation and ways of its use. The Text of Strategy for prevention and combating terrorism has been drafted, and work on the text of the Action plan has started.

The institutional framework for fighting against terrorism has multi-sectorial character. Those are The Office of the National Security and Classified Information Protection Council and the Bureau for Coordination, the Ministry of Justice, the Ministry of the Interior, the Ministry of Defense, the Security Information Agency, the Ministry of Finance, the Supreme Court of Cassation, the Public Prosecutor's Office, the national Bank of Serbia, the Ministry of Construction, Traffic and Infrastructure, the Ministry of Trade, Tourism and Telecommunications, the Ministry of Mining and Energy and the Ministry of Agriculture and Environmental Protection. For the purpose of coordination there is the Permanent Coordination Group led by the Ministry of the Interior.

**Serbia continues with the implementation of the activities to strengthen capacities of the services specialized in countering terrorism through regular advancing and international cooperation.**

## **8. Cooperation in the field of drugs**

Legislative framework in relation to the fight against organized crime is, at the same time, relevant also for the area of drugs abuse. Apart from the legislative framework relating to the fight against organized crime, in the area of fighting drugs, the following acts are especially used: **Law on Psychoactive Controlled Substances** (Official Gazette of the Republic of Serbia" no. 99/2010 of 27<sup>th</sup> December 2010), **Law on Substances Used for the Illegal Production of Narcotic Drugs and Psychotropic Substances** (Official Gazette of the Republic of Serbia" no. 107/05) and **Law on Health Registry** (Official Gazette of the Republic of Serbia" no. 14/81, 24/85, 26/85, 6/89 and (Official Gazette of the Republic of Serbia" no. 44/91, 53/93, 67/93, 48/94 and 101/2005 ó amended law). Criminal Code of the Republic of Serbia is aligned with the Joint Action 96/750/JHA and Framework Decision 2004/757/JHA envisaging minimal provisions on component elements of criminal offences and sanctions from the area of drugs trafficking. Chapter 23 of the Criminal Code of the Republic of Serbia refers to offences against public health. Law on Psychoactive Controlled Substances (Official Gazette of

the Republic of Serbia" no. 99/2010) is a legal basis for the cooperation with the European Monitoring Center for Drugs and Drug Addiction (EMCDDA).

**With the aim of implementing the Council Decision 2005/387/JHA on the information exchange**, risk assessment and control of new psychoactive substances, it is necessary to change the Law on Psychoactive Controlled Substances and with the aim of establishing the Early Warning System.

The Republic of Serbia made prerequisites for information exchange on the results of chemical analysis of psychoactive controlled substances. **Serbian legislature is not aligned with the Decision 2001/419/JHA on sending a sample of controlled substances.** Serbia implements parts of the Council Recommendations from 6<sup>th</sup> April 2004 in relation to guidelines for taking samples from seized drugs, which relate to prevention and reduction of harm against health caused by drug addiction and information exchange and improved investigation methods.

**Serbia is a party of the main international Conventions on drugs**, especially of the Single Convention on Narcotic Drugs of 1961, Protocol of 1972 on changes and amendments of the Single Convention on Narcotic Drugs of 1961, Convention on Psychotropic Substances of 1971, UN Convention on Illicit Trafficking in Narcotic Drugs and Psychotropic Substances with additional protocols of 1988 and UN Convention against Transnational Organized Crime with additional protocols.

Strategic framework for combating drugs abuse is defined in the Strategy for the Suppression of Drug Addiction 2014-2021 and Action Plan for its implementation 2014-2017 (Official Gazette of the Republic of Serbia" no. 1/2015). **This strategic document is fully aligned with the EU Drugs Strategy 2013 - 2020 and EU Drugs Action Plan 2013 - 2017 and it reflects main objectives of the renewed Action plan of the EU and Western Balkans for combating drugs**, with the focus on strategic planning, legislature and institution building, demand reduction, law implementation and judicial cooperation, money laundering and precursor control. New Strategy and the Action Plan of the Republic of Serbia envisage evaluation mechanisms.

Institutions in Serbia in charge of fighting drugs in the sense of repression are Ministry of Interior, Prosecutor's Office, courts and Ministry of Finance & Customs Administration. With the aim of developing institutional and administrative capacities in the fight against drugs, in December 2013, besides the existing organizational units, which in their scope of work have fight against drugs, (Service for Combating Organized Crime, Service for Crime Suppression), there was established Service for the Prevention of Drug Addiction and Drugs Smuggling Suppression, tasked with undertaking preventive and repressive measures for combating drugs trafficking inside the borders of the Republic of Serbia.

**Ministry of Finance – Customs Administration and Ministry of Interior signed Memorandum of Understanding with the aim of improving efficiency in acting, coordination, implementing and realization of specific activities.**

Preventive activities in the area of drugs are led by the Ministry of Health in cooperation with the Ministry of Youth and Sports, Ministry of Education, Ministry of Culture and Ministry of Agriculture. In the area of defining policy of the suppression of drug abuse, key role belongs to the Office for Drugs. This Office is liable for performing all professional, administrative and operational activities in fulfilling requests set by the Government, coordination of state authorities, participation in drafting strategies and rules, monitoring projects realizations, analysis state of play in terms of drugs, international cooperation and preparation of annual reports for international organizations. Administrative capacities of certain institutions in charge of combating drugs are insufficient, especially in the Office for Combating Drugs and Service for the Prevention of Drug Addiction and Drugs Trafficking Suppression.

**Serbia has adopted a national list of drugs and precursors.** The Republic of Serbia established a flexible administrative mechanism, which allows to fast update of the list based on the suggestion of the Ministry of Health or Ministry of Interior. According to valid legal regulations of the Republic of Serbia, Ministry of Health will initiate changes and amendments of laws relating to psychoactive controlled substances in cooperation with ministries stated in the Action plan. The National monitoring Center for drugs (focal point for cooperation with EMCDDA) is established in December 2015 based on the standards defined by the EMCDDA.

**The existing quantities of seized drugs have been continuously destroyed since November 2014.** Destruction is performed by incineration in a thermal power plant, in accordance with developed study on the effects on the environment.

## **9. Customs cooperation**

Customs cooperation is regulated by following legislative: SAA ó Protocol 6, Bilateral agreements on customs cooperation (26 in total, 13 of which with EU member states), Customs Law (šRS Official Gazetteö no 18/10...29/15), Customs Law (šRS Official Gazetteö no 73/03...18/10), Law on personal data protection (šRS Official Gazetteö no 97/08í 107/12), Protocols/MoUs on information exchange with national authorities, Protocols/MoUs on information exchange with international parties. The legislative needs to be further improved in order to extend the powers of customs officials in order to implement the Naples II Convention. Details about customs regulations can be found in the negotiation Chapter 29 - Customs union.

**The key document for the implementation of Decision 2009/917/JHA on the use of information technology for customs purposes is IT Strategy 2011 - 2020. The current IT**

## **Strategy 2011-2020 does not contain all the necessary elements that enable the preparation of the Republic of Serbia for the implementation of the Decision.**

The competent authorities in the field of customs cooperation are the Customs Administration and the Ministry of Interior. Cooperation between the Customs administration at the national level with other state bodies is especially reflected in cooperation with the Administration for the Prevention of Money Laundering, the Ministry of Interior (EUROPOL, INTERPOL), the Public Prosecutor's Office, the Prosecutor's Office for Organized Crime, Integrated Border Management.

In regards of international cooperation CAS participates in: Southeast European Law Enforcement Center (SELEC), World Customs Organization's Regional Intelligence Liaison Offices and Central Enforcement Network - WCORIOs and CEN, Systematic Electronic Exchange of Data or SEED (FYR Macedonia, Bosnia and Herzegovina, Montenegro and Kosovo\*<sup>2</sup> - indirectly, via server in Rome), Common Contact Center with Bulgarian authorities. CAS cooperates with OLAF as well.

### **10. Counterfeiting of Euro**

Legislative framework in the Republic of Serbia in the area of counterfeiting money, and with that counterfeiting Euro, as a criminal offence is comprised of **Criminal Code** (Official Gazette of the Republic of Serbia no. 108/2014), **Criminal procedure Code** (Official Gazette no. 55/2014), **Law on the Liability of Legal Entities for Criminal Offences** (Official Gazette no. 97/2008), **Law on the National Bank of Serbia** (Official Gazette no. 14/2015), **Law on Police** (Official Gazette no. 64/2015), and **the Law on the Organization and Competence of Government Authorities in Combating Organized Crime, Corruption and Serious Criminal Offences Including Counterfeiting Money** (Official Gazette no. 32/2013).

Article 223 of the Criminal Code defines criminal offence "Counterfeiting money" comprising production with intent to put it in circulation (par. 1), procurement and circulation (par. 2) and putting in circulation forged money acquired as genuine (par. 4), and Article 227 of the Criminal Code defines and prescribes a sanction for production, acquiring and giving to another means for counterfeiting. The term "money" is defined in Article 122, par 23, of the Criminal Code of the Republic of Serbia.

---

<sup>2\*</sup>This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

Legislation of the Republic of Serbia in this area is **fully aligned** with the **Council Framework Decision 2001/887/JHA** and **partially aligned** with the **Directive 2014/62/EU**. Nonalignment refers to Article 12 of the Directive.

Within the National Bank of Serbia, in the Cash Department, there is a Section for the Analysis of Counterfeits and Currencies. **This Section completely performs functions of the NCC, CNAC and NAC according to the decision 2001/887/JHA**, whereas within the Ministry of Interior ó Criminal Police Directorate, there are organizational units in charge of the fight against counterfeiting money ó Euro, and those are Service for Combating Organized Crime and Service for Crime Suppression.

**In 2013, National Bank of Serbia and the European Anti-Fraud Office (OLAF) signed the Agreement on Administrative Cooperation referring to cooperation in the area of coins, and in 2014, National Bank and the European Central Bank signed the Agreement on Cooperation referring only to Euro banknotes.**

On 16<sup>th</sup> January 2014, the Republic of Serbia signed the Agreement on Operational and Strategic Cooperation with the EUROPOL. This Agreement was ratified in the National Assembly of the Republic of Serbia through a Law that was enacted in February 2014.

**On 30<sup>th</sup> May 2013, Ministry of Interior of the Republic of Serbia and the National Bank of Serbia signed the Agreement on Treating Money Suspected of being Counterfeited.**

### **III ALIGNMENT OF THE LEGAL AND INSTITUTIONAL FRAMEWORK WITH THE EU ACQUIS**

As a whole, the legal system of the Republic of Serbia has been partially aligned with the EU acquis, in areas defined within Negotiating Chapter 24 - Justice, Freedom and Security.

To the moment of full membership, the Republic of Serbia shall take legislative steps to ensure harmonization with the EU acquis in the areas in which it is not currently harmonized. Along with the legislative activities, the Republic of Serbia will take measures towards an adequate level of institutional and administrative readiness to retrieve all obligations that come into force at the moment of full membership in the European Union.

#### **1. Migration**

**The Republic of Serbia is going to continue with carrying out activities for gradual harmonization of the Law on Foreigners, the Law on Employment of Foreigners and the Criminal Code with the EU acquis** and with the final result of full harmonization with the EU Directives in the field of legal and irregular migrations. Harmonization with the relevant pieces

of the *acquis*, i.e. Directive 2009/50/EC, Directive 2011/98/EC, Directive 2003/86/EC, Directive 2003/109/EC, Directive 2011/51/EC, Directive 2005/71/EC, Directive 2004/114/EC, Directive 2014/36/EU, Directive 2014/66/EU, Directive 2004/81/EC, Directive 2002/90/EC, Directive 2004/82/EC, Directive 2008/115/EC, Framework Decision 2002/946/JHA, Directive 2009/52/EC 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 unauthorized 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 illegal migration and who cooperate with the competent authority.

Also, the Republic of Serbia is conducting activities for the purpose of harmonizing the national legislation with those Directives, more precisely 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 led by 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.

With the purpose of full implementation of harmonized legislation, **the Republic of Serbia shall continue to strengthen administrative and institutional capacities and shall provide a technical support.**

The Republic of Serbia shall perform the analysis of existing accommodation capacities of the Reception Centre for Foreigners and will take measures for increasing them if needed.

Through Twinning Project ó Reform of the Police and Migration Management (IPA 2012), **the Law on Foreigners shall be amended during 2016 and partial harmonization of the national legislation from this area with the EU Directives related to the field of legal and irregular migration shall be done.**

It is also planned that during the mentioned period, after amendment of the legislation is done, the analysis of training needs and capacities of police officers and other public officials involved in the field of legal migration with recommendations (legal assessment, training needs, administrative capacities, equipment and IT infrastructure) in order to implement measures so



that Serbia is ready to adequately enact the *acquis* it has implemented in new legislation related to legal and irregular migration will be performed as well

Through the same project, the component of acquisition of equipment and establishment of the Central Data Base for Foreigners was implemented, which in practice means improved communication and information exchange between the Ministry of Interior, Ministry of Foreign Affairs and National Employment Agency. This will make visa issuance procedure more efficient and also it will contribute to a much better coordination and data exchange in the process of issuing of residence and work permits.

**The Republic of Serbia shall improve the cooperation in the procedures of returning persons.** (including Kosovo\*).

Republic of Serbia shall ensure the implementation of the readmission agreements which were concluded with the EU and shall apply them in their full volume after its full accession to the European Union.

**The Republic of Serbia shall conclude the Readmission Agreements with Turkey and Ukraine which shall be fully harmonized with the EU standards. The Protocol between the Republic of Serbia and the Republic of Croatia for the implementation of the Readmission Agreement with the EC shall also be concluded.**

For the purpose of work and methods improvement for the more efficient and quality cooperation in readmission implementation, it shall be continued with provision of institutional mechanisms and raising capacities, and especially improving capacities through training of personnel, as well as with improvement of material and technical resources necessary for fulfillment of undertaken international obligations.

Serbia understands the EU recommendation to reach the similar arrangement with Kosovo\*. This measure will be discussed further in the framework of the dialogue on normalization of relations between Belgrade and Pristina.

## **2. Asylum**

**The Republic of Serbia shall continue with carrying out activities for gradual harmonizing with the *acquis*, with as final result of full harmonization with the EU Directives, Directive 2013/32/EU, Directive 2011/95/EC, Directive 2001/55 / EC and Directive 2013/33/ EU.** The harmonization of the Asylum Law with the relevant pieces of the *acquis* will cover : 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 currently is not treated as the asylum application; estimation of age; definition of an act of persecution; definition of grounds for expulsion; 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 procedure cancellation; the rights of international protection beneficiaries. These activities are implemented through Twinning Project, Support to the national asylum system in the Republic of Serbia (IPA 2013) implemented by the Commissariat for Refugees and Migration in partnership with the Ministry of Interior. The final result of this Project shall be amended Law on Asylum and strengthened capacities for its implementation (training for officers performing tasks of implementing procedure upon filed asylum request in the Asylum Office and training of staff being in direct or indirect contact with the asylum seekers ó border police, interpreters).

**Also, the Republic of Serbia conducts activities for 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 (óDublin Regulationö).

The Republic of Serbia shall continue with strengthening the administrative capacities with the purpose of efficient implementation of the new legal solutions more precisely with the interviewing techniques, treatment of vulnerable groups, information analysis on countries of origin, as well as training of personnel being in direct or indirect contact with the asylum seekers as to be able deal with this category of migrants.

By redistribution of the Republic of Serbia MoI employees 25 work positions shall be filled up and 4 new work positions intended for interpreters shall be filled by hiring new staff.

**Two years prior to the EU accession, it is anticipated to take measures in order to implement provisions from EURODAC and DUBLIN Directives, such as No. 2725/2000 EC, No. 407/2002 EC and No. 604/2013 EC.** With the support of external experts, an assessment of administrative and information-communications capacities and training needs will be conducted to create necessary preconditions for electronic data exchange within the EURODAC system and to implement the Dublin Regulation. Also technical and financial conditions which shall enable efficient application of conditions provided by the above mentioned Regulations will be established.

### **3. Visa policy**

By the end of 2018, harmonisation with the **EC Decision 539/2001** shall be concluded and will include the conclusion of new bilateral agreements or the unilateral Government decision on abolishing visas for countries from the positive list, or there-establishing of a visa regime with

third countries in respect of which there is a departure from the list of countries for which there is a visa requirement to enter the EU. Also, activities will be undertaken to strengthen administrative and institutions capacities, and to provide technical and administrative support required to implement a harmonised visa regime. In order to duly undertake the mentioned measures required to harmonise its visa policy with that in place in the EU, the Republic of Serbia will adopt a Visa Regime Harmonisation Plan.

In order to comply with **the EC Regulation No. 810/2009**, the Republic of Serbia shall adopt, by the end of 2017, a new Law on Foreigners and a new Law on Foreign Affairs, as well as relevant bylaws on visas. Legal instruments will be put in place to ensure that the applicant is informed on reasons for visa refusal, and the possibility to appeal against such decision. In accordance with the EC recommendations, the Republic of Serbia will continue to reduce the number of **visas issued at the borders**. As for **the EC Regulation No. 1683/1995**, by the end of 2018, the Republic of Serbia shall harmonise the visa format and comply with the technical specifications of the visa format and shall ensure receipt of classified information on the security features of travel documents and visa format.

With respect to full implementation of Visa policy, it is necessary to improve administrative capacities of all institutions involved in visa-issuing system, particularly in the diplomatic and consular posts in countries with which a visa regime will be re-established. Additional training of consular staff dealing with visa issuance will be conducted.

In the framework of the implementation of the **Police Reform and Migration Management** project, the Republic of Serbia shall apply, by the end of 2017, a model of the national visa issuing system in accordance with the EU practice and establish a central database for foreigners

As regard **the EC Regulation No. 512/EC 2004**, the Republic of Serbia shall provide technical conditions to network the remaining 9 diplomatic missions and consular posts with the Visa information system, as well as with all borders points and local police departments.

#### **4. External borders and Schengen**

**The Republic of Serbia shall harmonize legal framework with the Regulation 562/2006/EC of 15 March 2006 of the European Parliament and the Council, EU Regulation No 610/2013 of the European Parliament and the Council of 26 June 2013, Council Directive 2004/82/EC, EU Regulation 1052/2013 of the European Parliament and the Council and EU Regulation 863/2007.**

**The Republic of Serbia shall improve the protection of external borders** through improved operational cooperation with neighboring countries for effective prevention of crossing the border through alternative roads.

**The Republic of Serbia shall adopt a Schengen Action Plan in 2018** including the sequence of the necessary legal amendments to Serbian legislation required before joining the EU and the Schengen area as well as the required investments in infrastructure and training.

In drafting the Schengen Action Plan the Republic of Serbia shall pay particular attention to:

- Preparing a comprehensive analysis of the infrastructure and procedures of the competent police authorities, judicial and vehicle licensing authorities regarding their proposal for access and use of the Schengen Information System (SIS), including the querying, creation, update and deletion of alerts in the SIS. This also includes 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 training of the border police based upon the "train the trainers" concept;
- Deliver training for Border Police officials harmonized with FRONTEX Common Core Curriculum (CCC);
- The need for assessment in order to identify steps needed in order to join EUROSUR network in future.

Until the adoption of Schengen Action Plan, the Republic of Serbia shall work on strengthening its capacities in this field in line with the Action Plan for Chapter 24.

**In 2016, the Republic of Serbia shall harmonize its IBM strategy with the IBM concept** based on EU Council documents from 2006 No. 13926/3/06 and No. 15628/06.

**During 2016 Joint Patrols with Romania and Croatia** (Agreement with Croatia has been signed but not implemented yet) **shall be established and the Common Contact Centre with Romania shall be opened.**

**Also during 2016, blocking of potential illegal border crossings i.e. alternative routes at the border with Montenegro and Bosnia and Herzegovina shall be performed.**

During 2016, the Republic of Serbia shall also develop the Plan of corruptive behavior prevention for the Border Police, Customs service, Veterinary and Phyto-sanitary Inspection, including mechanisms for monitoring and evaluation based upon the corruption risk assessment as well as joint measures plan for prevention of the corruption of employees in all relevant institutions involved in the IBM, including the mechanism for monitoring the implementation of the plan. During 2016, the Memorandum of Understanding shall also be signed and joint investigation teams of the Ministry of interior, Office of the Republic Public Prosecutor and Customs Administration to fight corruption at the border shall be formed. Based upon the needs

assessment, the plan and program shall be developed and joint trainings in the field of suppression of all forms of corruptive behavior will be carried out.

During 2016, the Republic of Serbia shall also draft the Border Police Integrity Plan in cooperation with the National agency for the fight against corruption and based upon its methodology, including mechanism for monitoring and evaluation.

**The Republic of Serbia shall continuously strengthen its administrative, institutional and IT capacities with the aim of full implementation of European acquis in this field.**

## **5. Judicial cooperation in civil, commercial and criminal matters**

For the purpose of direct application of Regulation (EC) No 593/2008 of the European Parliament and of the Council of 17 June 2008 on the law applicable to contractual obligations (Rome I) and Regulation (EC) No 864/2007 of the European Parliament and of the Council of 11 July 2007 on the law applicable to non-contractual obligations (Rome II), **the Republic of Serbia shall amend the legislative framework by the end of 2018, in accordance with the recommendations from impact assessment analysis.**

As regards the direct application of Regulation (EC) No 1393/2007 of the European Parliament and of the Council of 13 November 2007 on the service in the Member States of judicial and extrajudicial documents in civil or commercial matters (service of documents), and repealing Council Regulation (EC) No 1348/2000 and Council Regulation (EC) No 1206/2001 of 28 May 2001 on cooperation between the courts of the Member States in the taking of evidence in civil or commercial matters, **the Republic of Serbia shall amend the Law on organisation of courts, the Civil procedure law and the Court Rules of Procedure by the end of 2018**, in accordance with the recommendations from the impact assessment analysis.

For the purpose of direct application of Regulation (EC) No 805/2004 of the European Parliament and of the Council of 21 April 2004 creating a European Enforcement Order for uncontested claims, Regulation (EC) No 1896/2006 of the European Parliament and of the Council of 12 December 2006 creating a European order for payment procedure and Regulation (EC) No 861/2007 of the European parliament and of the Council of 11 July 2007 establishing a European Small Claims Procedure, **the Republic of Serbia shall amend Civil Procedure law, the Law on Enforcement and Security and the Law on Courts by the end of 2018**, in accordance with the recommendations from the impact assessment analysis.

As regards the direct application of Council regulation (EC) No 1346/2000 of 29 May 2000 on insolvency proceedings, **the Republic of Serbia shall amend the Law on Bankruptcy by the end of 2018**, in accordance with the recommendations from the impact assessment analysis.

For the purpose of direct application of Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility, repealing Regulation (EC) No 1347/2000, Council Regulation (EU) No 1259/2010 of 20 December 2010 implementing enhanced cooperation in the area of the law applicable to divorce and legal separation and Council Regulation (EC) No 4/2009 of 18 December 2008 on jurisdiction, applicable law, recognition and enforcement of decisions and cooperation in matters relating to maintenance obligations, the **Republic of Serbia shall amend the legislative framework by the end of 2018**, in accordance with the recommendations from the impact assessment analysis.

As regards the direct application of Regulation (EU) No 650/2012 of the European Parliament and of the Council of 4 July 2012 on jurisdiction, applicable law, recognition and enforcement of decisions and acceptance and enforcement of authentic instruments in matters of succession and on the creation of a European Certificate of Succession, **the Republic of Serbia shall amend its legislative framework by the end of 2018**, in accordance with the recommendations from the impact assessment analysis.

In order to align legislation in the part related to the European arrest warrant and extradition, the **Republic of Serbia shall amend the relevant legislation by the end of 2018**, in accordance with the recommendations from the impact assessment analysis.

As for the full alignment in the part related to the principle of mutual recognition with the Council Framework Decision 2008/909/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments in criminal matters imposing custodial sentences or measures involving deprivation of liberty for the purpose of their enforcement in the European Union, the Council Framework Decision 2008/947/JHA of 27 November 2008 on the application of the principle of mutual recognition to judgments and probation decisions with a view to the supervision of probation measures and alternative sanctions and the Council Framework Decision 2009/829/JHA of 23 October 2009 on the application, between Member States of the European Union, of the principle of mutual recognition to decisions on supervision measures as an alternative to provisional detention, **the Republic of Serbia shall amend its legislative framework by the end of 2018**, in accordance with the recommendations from the impact assessment analysis.

In order to align with the Council Framework Decision 2005/214/JHA of 24 February 2005 on the application of the principle of mutual recognition to financial penalties, **the Republic of Serbia shall amend legislative framework by the end of 2018**, in accordance with the recommendations from the impact assessment analysis.

In the part of *acquis* related to criminal records, the Republic of Serbia shall amend the Criminal Code to fully align with the Council Framework Decision 2009/315/JHA of 26 February 2009 on

the organization and content of the exchange of information extracted from the criminal record between Member States by the end of 2018. In order to implement Council Decision 2009/316/JHA of 6 April 2009 on the establishment of the European Criminal Records Information System (ECRIS) in application of Article 11 of Framework Decision 2009/315/JHA, **Republic of Serbia will establish electronic criminal records by the end of 2018.**

The Republic of Serbia **shall with the accession to the EU become a party to the Convention of 29 May 2000 on Mutual Assistance in Criminal Matters between the Member States of the European Union (MLA 2000) and its Protocols.**

For the purpose of full alignment of legislation with the Council Framework Decision of 13 June 2002 on joint investigation teams, **the Republic of Serbia shall amend the relevant legislation by the end of 2018**, in accordance with the recommendations from the impact assessment analysis.

When it comes to the **acquis in the area of driving disqualification**, the Republic of Serbia shall directly apply Regulation (EU) 2016/95 of the European Parliament and the Council of 20<sup>th</sup> of January 2016 repealing certain acts in the field of police cooperation and judicial cooperation in criminal matters **after the accession to the EU.**

In order to transpose into the legal system of the Republic of Serbia the 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, **the Republic of Serbia shall amend relevant legislation by the end of 2018**, in line with the recommendation from the impact assessment analysis.

In terms of improving cooperation and the conclusion of agreement with Eurojust, the **Republic of Serbia shall adopt new Law on Personal Data Protection in 2016.** In order to send liaison officer after the conclusion of the agreement, the **Republic of Serbia shall issue the necessary regulations related to the criteria and procedures for the selection of liaison officers**, as well as specify its rights and obligations. All necessary measures will be taken to facilitate the communication for liaison officer in the headquarters of Eurojust.

In addition to legislative alignment, in order to prepare for full implementation of the EU regulations on the day of EU accession, **the Republic of Serbia shall strengthen its administrative capacities, with adequate planning and staffing of courts and prosecutors' offices by the end of 2017**, in accordance with the recommendations from the impact assessment analysis.

**The Republic of Serbia will until EU accession identify the necessary number of "contact points" in the courts and prosecutors' offices**, which will complete a comprehensive training program on the EU acquis and thus gradually prepare the courts and prosecutors' offices to

communicate directly with the courts and prosecutors' offices in the EU. The Judicial Academy, in cooperation with all relevant institutions, after the impact assessment analysis, shall prepare an improved curriculum for training in the area of judicial cooperation in civil, commercial and criminal matters and implement it in 2017.

## **6. Police cooperation and fight against organized crime**

### **6.1 Police cooperation**

Regarding gradual harmonization with **the Swedish Initiative and the Prüm Decision**, the Republic of Serbia will strengthen human resources and operational capacities, so that police officers could 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 ó EUROPOL, SIRENE ó Schengen Information System (SIS II), exchange procedure in case of a Prüm hit (reply following a hit), I-Link INTERPOL system). In order to fulfill standards and with a view to complete harmonization, the activities on making guidelines for international operational police cooperation are to be carried out and SIENA link is to be defined as the primary channel for communication, in accordance with the Swedish Initiative, the standard format for request will be established within the international police cooperation and the operational procedures for data exchanged on the basis of different EU instruments on police cooperation will be defined. An analysis of the current situation will be drafted at national level so that the SPOC would be enabled to exchange information in a timely manner and have access to all available databases at national level (the principle of data availability, accessibility and reciprocity). The 24/7 contact point at the Customs Administration and Prosecution Office should be established within this activity.

Regarding full harmonization with the **Prüm Decision** until 2019, the Republic of Serbia will set up a DNA system, adopt a new law on the DNA register and the relevant bylaws, amend the Law on Police and the Criminal Procedure Law, develop the existing system for fingerprints, establish the required IT structure and, therefore, strengthen administrative capacities.

Regarding full harmonization with the **Prüm Decision**, the Republic of Serbia will be implementing standards in the area of personal data protection and data confidentiality, draft procedures in the area of international operational police cooperation and implement the latest information technology instruments in the area of the use of databases.

Cooperation with EUROPOL based on **the Operational Agreement with EUROPOL will be intensified**. The need for establishing **SIRENE Bureau** has been identified. The Republic of



Serbia will post a **liaison officer to the EUROPOL Headquarters in the Hague in 2016**. Together with these activities, the Republic of Serbia will continually work on strengthening administrative, technical and other capacities with a view to achieving the adequate level of readiness for taking over and the implementation of all commitments which results from new arrangements on cooperation and in accordance with the expected results.

**Within 2016, the Republic of Serbia will sign an agreement with CEPOL.**

## **6.2 Fight against organized crime**

The Republic of Serbia, together with Montenegro and FYRO Macedonia, within the Project (2014-2016) with the OSCE Mission in Republic of Serbia - "Strengthening capacities for strategic analysis and strategic assessment within the Criminal Police Directorates of the Republic of Serbia, Montenegro and FYRO Macedonia" shall adopt in 2016 the **Regional National serious and organized crime threat assessment SOCTA based on the EUROPOL methodology**.

Establishment of the **ILP** is being conducted through project of the police of Serbia and Sweden under title "Model development of the Intelligence Led Policing within the Serbian MoI". With a view to implement effective, efficient and economic model of the ILP, the Ministry of Interior shall undertake the following activities: in 2017 unification of units performing criminal intelligence tasks; as well as establishment of the ILP model at all three levels (national, regional and local); and establishment of a group for management and administration at strategic and operative levels; **in 2016 more precise regulation of the normative framework; upgrade and integration of existing database by the end of 2018; and in 2017 creation of sustainable education systems**, in all areas relevant for the ILP; development of standards and procedures; capacity building for producing strategic and operative assessments and plans and decision-making at the intelligence level.

**In 2017 the Republic of Serbia shall establish a Criminal Intelligence System (KOS)** and secure platform for communication between law enforcement authorities through drafting adequate legal framework for electronic exchange of data between the competent public authorities and establishment of technical conditions within the Ministry of Interior and other relevant institutions, as well through establishment of the training system for human resources and professional education.

The Republic of Serbia Ministry of Justice in cooperation with other institutions shall establish and provide implementation of methodology for collection, monitoring and reporting on criminal offences of organized crime and corruption (**track records**) in all institutions in charge of fight against organized crime and corruption until the end of 2017.

The Republic of Serbia has been conducting analysis of role and practice of services for security and the police in undertaking special investigative activities in the phase of criminal investigation based on which the Bureau for coordination of work of security services should draft certain recommendations in February 2016. Furthermore, in the second quarter of 2016 the Council Office shall organize the TAIEX workshop in relation to the best practices of implementation of special investigative activities during the phase of criminal investigation.

The analysis of the organisation, capacity and powers of state bodies in the fight against organized crime and corruption in view of subsequent legal steps in order to boost efficiency, professionalism and independence has been delivered in December 2015 as a precondition to new Law on Organisation capacity and powers of state bodies in the fight against organized crime and corruption.

**In 2016 the Republic of Serbia shall amend the Criminal Code, the Law on organization and jurisdiction of government authorities in suppression of organized crime, corruption and other severe criminal offences, the Law on amendments of the Law on seizure and confiscation of proceeds of crime.** Furthermore, the Republic of Serbia shall undertake all appropriate measures with a view to strengthen administrative and institutional capacities in order to provide efficient fight against organized crime, with special emphasis on economic and financial crime.

**In 2016 the Republic of Serbia shall amend the Law on suppression of money laundering and financing terrorism that will be fully harmonized with the new FATF recommendations – the Directive 2015/849/JHA.**

**In 2016 the Republic of Serbia shall also amend the Law on seizure and confiscation of proceeds of crime that will be fully harmonized with the Council Decision 2007/845/JHA on cooperation between authorities competent for confiscation and administration of the proceeds of crime of the member states within the field of tracking and finding proceeds of crime and the Directive 2014/42/EU of the EU Parliament on freezing and confiscation of assets and proceeds of crime in EU from 3<sup>rd</sup> of April 2014. The ARO Office shall be established within the Ministry of Interior in 2017.**

**The Financial Investigation Unit and the Directorate for administration of the confiscated assets** shall in the future be orientated towards strengthening of its administrative, material and human resources capacities.

**In 2016 the Republic of Serbia shall adopt the National Strategy for prevention and suppression of trafficking in human beings especially women and children and victim protection in the Republic of Serbia.** Moreover, during 2016, within the Ministry of Interior, shall be appointed the National Coordinator for fight against trafficking in human beings. In addition to that, during 2019 shall be established the National Rapporteur's Office.

**By the end of 2018 the Republic of Serbia shall amend the Criminal Code, the Criminal Procedure Code, the Law on the Police, the Law on Foreigner, the Law on Social Protection, the Law on Free Legal Aid, the Law on Health Care thus accomplishing full compliance with the Directive 2011/36/EU, the Directive 2004/81/EC, the Directive 2012/29/EU, including the “Amber alert” on missing children.**

**By 2018 the Republic of Serbia shall amend the Criminal Code, the Law on organization and jurisdiction of authorities in fight against high-tech crime and accomplish full compliance with the Directive 2013/40/EU and Directive 2011/93/EU** in relation to fight against sexual exploitation and sexual abuse of children and child pornography. By 2018 capacities of the Special Prosecution for Fight against High-tech Crime shall be enhanced by the job classification increase by two deputy public prosecutors, two prosecutorial assistants and three members of the administrative staff with provision of adequate material-technical conditions.

By 2018 within the Ministry of Interior shall be established the Department for investigation of misuse of credit cards, electronic trade and e-banking and the Department for suppression of illegal and harmful content on the internet. Furthermore, capacity building of the Special Prosecution for Fight against High-tech Crime, the Special Police Unit for Cybercrime, the courts and other relevant institutions shall be accomplished by specialized training.

In 2016 the Republic Public Prosecutors Office shall sign a memorandum on cooperation between public authorities and civil society institutions in fight against high-tech crime.

**In 2016 the Republic of Serbia shall adopt the new Strategy for small and light weapons along with the integral Action Plan. The Law on weapons and ammunition shall be amended in 2018, in order to be fully compliant with the European Union Directive on control of purchase and possession of weapons 91/477/CEE and the Directive 2008/51/EC.**

In 2018 the Republic of Serbia shall enhance the **witness protection** system by increasing the number of executive officers within the Ministry of Interior Unit for protection and in 2018 shall develop service network for support to the injured persons/witnesses.

**In 2016 the Republic of Serbia shall amend legislation in the area of change of identity in order to be fully compliant with the Directive 2012/29/EU.**

## **7. Fight against Terrorism**

In order to implement the Decision on Exchange of Information and Cooperation Concerning Terrorist Offences (2005/671/JHA), **Serbia shall appoint the Liaison Officer within the EUROJUST.**

With the aim of transposition of the **Directive 2008/114EC regarding the identification and marking of the European critical infrastructure, until 2017 Serbia shall make an adequate legislation framework**, by which it will adopt the definition of critical infrastructure, define common indicators, and on those grounds it shall identify the subject of the national and European critical infrastructure, as well as the system for secure exchange of information.

The Republic of Serbia **shall adopt the new Strategy and Action Plan for Preventing and Combating Terrorism in 2016**, which shall be based on "prevent, protect, monitor and respond" model, including the issue regarding foreign terrorist fighters, radicalization and prevention. The said shall provide the full harmonization with the **EU Counter-Terrorism Strategy (14469/4/05 REV 4)**.

For the purpose of complete harmonization with the EU standards, the Republic of Serbia **shall adopt the amendments to the Law on Seizure and Confiscation of the Proceeds from Crime**, which shall make the Serbian legislation fully in line with the **Directive on freezing and confiscation of means and assets gained from criminal activities 2014/42/EU**.

The specialized services take actions on strengthening, modernizing and professionalizing the administrative capacities for countering terrorism through expert trainings, implementation of the best world's practice and international cooperation.

## **8. Cooperation in the field of drugs**

Serbia will continue with the implementation of activities in legislative and institutional framework with the aim of improving results in the fight against drugs, both in preventive and repressive part.

**With the aim of the implementation of the Council decision 2005/387/JHA on the information exchange, risk assessment and control of new psychoactive substances, in 2016, Serbia will change the Law on Psychoactive Controlled Substances. In accordance with the Decision 2001/419/JHA on sending samples of controlled substances, Serbia will change and amend the Law on the Substances used for Illegal Production of Narcotic Drugs and Psychotropic Substances by the end of 2016. Full implementation of the Council's recommendation in relation to the guidelines for taking samples from the seized drugs is envisaged in the new Strategy for the Suppression of Drug Addiction (2014-2021).**

In terms of institutional framework, Serbia will continue with strengthening capacities of newly established institutions (Office for Drugs, National Center for Monitoring Drugs, Early Warning System and Service for the Prevention of Drug Addiction and Drugs Trafficking Suppression). **Regarding Office for drugs, there will be introduced a systematization and a description of work places and there will be continuous filling of staff from the first quarter of 2016. National Center for Monitoring Drugs will be established within the Ministry of Health,**

**which will sign Memorandum of Cooperation with all the institutions that took part in project financed by EU from this area, with the aim to have sustainability of the project goals. Existing National drugs information system will be improved by improvement of indicators in line with EMCDDA protocols.**

**Early Warning System** for new psychoactive substances for gathering, managing and exchange of information between authorities in charge of combating drugs will be established **through the changes of the Law on Psychoactive Controlled Substances in cooperation with the EMCDDA**. Ministry of Interior will continuously upgrade the capacities of the Service for the Prevention of Drug Addiction and Drugs Smuggling Suppression. With the aim of strengthening of regional and international cooperation, through activities with international organizations (EMCDDA, UNODC, SELEC), Serbia will strengthen administrative capacities of the services in charge. Republic of Serbia will continue to improve financial and administrative capacity of the National Monitoring Centre for Drugs in the Ministry of Health in order to fully cooperate with EMCDDA.

**Serbia will change the Law on Psychoactive Controlled Substances and the Regulation on the Destruction of Psychoactive Controlled Substances by the end of 2016 in order to make conditions for systematic destruction of psychoactive controlled substances.**

## **9. Customs cooperation**

Serbia shall change the IT Strategy 2011 - 2020 and conduct training until the end of 2017, which will enable the preparation for the use of AFIS applications related to the application of Decision 2009/917/JHA on the use of information technology for customs purposes. The Customs Administration has the necessary IT infrastructure and staff.

**Serbia shall by the end of 2017 amend the Criminal Procedure Code (šRS Official Gazette, no. 72/11 ... 55/14) and adopt the Law on Customs Service, in order to expand the powers of customs officers.** It is planned that 20 customs officers should be capacitated through a training for joint special investigative teams.

**Serbia shall adopt the new IBM Strategy and Action Plan for its implementation,** which will enable a better exchange of information and cooperation between border services. Details about IBM Strategy can be found in Subchapter External borders and Schengen.

**Upon accession to EU, Serbia will ratify and implement the Naples II Convention.** In preparation of implementing the Naples II Convention, Serbia will develop a dedicated training plan until the end of 2017. The training will be conducted for customs and police officers

## **10. Counterfeiting of Euro**

With the aim of aligning legislative and institutional framework with the *acquis* in the field of counterfeiting of money, **by the end of 2016, Serbia will access the 1929 Geneva Convention on Counterfeiting.** Aligning with item 12 of the Directive COM 2014/62 is envisaged in the changes of the Criminal Code in a part concerning Article 223 ó Counterfeiting Money, which shall envisage that money that is not yet in circulation, and which is marked as money by competent authorities, can be counterfeited. **Changes of the Criminal Code will take place in 2016.**

**Within 2016,** and after a visit to certain EU member state with the best practice in the area of NCO, **National Central Office will be established in the Republic of Serbia.**

**By the end of 2016, the Republic of Serbia will sign working agreements on the accession to the EUROPOL AWF SOYA which relates to counterfeiting Euro.**

Continuous work on the strengthening of staff capacities in the suppression of counterfeited Euro through the organization of workshops and other means of specialized training.

#### **IV ACCEPTANCE OF THE EU ACQUI**

The Republic of Serbia accepts the EU *acquis* with respect to Chapter 24 Justice, Freedom and Security as it stands on 01. January 2016. and will be in the position to implement it fully by the time it accedes to the European Union.

The Republic of Serbia will have transposed any outstanding *acquis*, by the date of accession, subject to the outcome of the negotiations under this chapter.

The Republic of Serbia does not request derogations or transitional measures under this chapter.

The Republic of Serbia does not expect to enter the Schengen area or gain access to the Schengen Information System (SISII) on the date of accession to the European Union. The preparations for joining the Schengen area will start through the adoption and implementation of the National Schengen Action Plan.

The Republic of Serbia is aware of the financial burden arising from obligations in this Chapter and is ready to undertake these obligations.