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Brussels, **01. 07. 2019**

Dear Minister Blok,

I am replying to your letter received on 31 May 2019 in which you notify the Commission that the Netherlands is confronted with circumstances set out in Article 8(2) of Regulation 2018/1806 of 14 November 2018 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (hereinafter “the Regulation”).

The Commission has examined the content of the notification in line with the procedure set out in Article 8(5) of the Regulation. As set out in the Regulation, the Commission shall respond within one month of receiving the notification from a Member State.

The mechanism established in the Regulation responds to the need to proceed to a temporary suspension of the exemption from the visa requirement for a third country listed in Annex II of the Regulation. Its purpose is to respond to an emergency situation where an urgent response is needed in order to solve the difficulties faced by one or more Member States and by taking into account the overall impact of the emergency situation on the EU as a whole. The mechanism neither replaces the regular reporting on the continuous fulfilment of visa liberalisation benchmarks, nor is it meant to provide a general opportunity to assess the appropriateness of a visa exemption granted as a result of the successful conclusion of a visa liberalisation dialogue.

The Commission has examined whether the circumstances that could trigger the suspension mechanism exist, the number of Member States affected by circumstances mentioned in your notification, the overall impact on those circumstances on the migratory situation of the EU, as well as the cooperation of the Albanian authorities. Finally, the overall question of public policy and internal security was also assessed.

Minister Stef Blok  
Minister of Foreign Affairs  
Rijnstraat 8, The Hague  
The Netherlands

The Regulation establishes as a reference period for the notification a two-month period compared with the same period in the preceding year, or compared with the last two months prior to the implementation of the visa exemption. Considering that the notification received from the Netherlands generally refers to yearly data and does not specify which two-month period it used as a reference, the Commission has assessed, where possible, the most relevant two-month period for the purpose of the Regulation, i.e. the latest two-month period for which data are available (March-April 2019) as compared to the same period in the previous year.

In carrying out its examination, the Commission has also consulted the available data from Eurostat and taken into account reports prepared by the European Border and Coast Guard Agency, Europol, the European Asylum Support Office, and eu-LISA, as well as the Commission's own reports, namely the First and the Second Report under the Visa Suspension Mechanism and the 2019 Albania enlargement report.

Based on the examination of the notification, the available information and the relevant data of the latest two-month period for which data are available, the Commission considers that the circumstances to trigger the visa suspension mechanism set out in Article 8(2) of the Regulation are not met. Results of our examination are annexed to this letter.

At the same time, visa liberalisation benchmarks need to be continuously fulfilled. In recent years, operational and political cooperation between Albania, the EU and its Member States to jointly address migratory and security concerns has substantially increased. It is important to ensure that Albania maintains this level of cooperation. Albania should in particular continue and intensify efforts to tackle the issue of unfounded asylum applications and to prevent and fight organised crime. EU agencies will continue to assist in this regard.

Visa liberalisation has been a powerful tool to advance transformative reforms, including in the area of justice and security and to facilitate people-to-people contacts and strengthen ties between the EU and Albanian citizens. Albania is a candidate country with a clear EU perspective. The ability of the EU to drive the necessary reforms is linked to its ability to assess progress and address potential difficulties fairly and objectively.

In this vein, the Commission will continue to closely monitor the fulfilment of the visa liberalisation benchmarks, including through the Third Visa Suspension Report.

Yours sincerely,

  
Dimitris AVRAMOPOULOS

Enclosure:

- Results of the examination of the notification by the Netherlands concerning Albania pursuant to article 8(2) of Regulation (EU) 2018/1806

C.c.:

- Mr Moraes Claude (EP) Chairman of the LIBE committee
- Mr Pekka Haavisto, Minister of Foreign Affairs - Finnish Presidency of the Council of the EU

## **Annex**

### **Results of the examination of the notification by the Netherlands concerning Albania pursuant to article 8(2) of Regulation (EU) 2018/1806**

#### **I. Examination of the circumstances set out in the notification**

##### *I.1. Art 8(2)(a): Refused entry or illegal stay*

As set out in the notification submitted by the Netherlands, Eurostat yearly data show that between 2017 and 2018 there was an increase in the number of Albanian nationals found to be illegally present in the Netherlands. During the same period, there was a slight decrease in the number of Albanian nationals refused entry to the country<sup>1</sup>.

The notification does not provide information on a substantial increase (i.e. 50%) in a two-month period showing an emergency situation which could justify triggering the mechanism to urgently suspend the visa exemption. Eurostat monthly data for the above two categories are not available and it is therefore not possible to compare the two-month periods as per the Regulation based on this source.

The European Border and Coast Guard Agency in the framework of Frontex Risk Analysis Network (FRAN) collects the monthly operational information from the Member States, including the Netherlands<sup>2</sup>. Based on these data, the number of detections of illegal stay as well as refusals of entry in the first four months of 2019 has decreased in the Netherlands in comparison to the same period in 2018.

The Commission does not have sufficient information as regards the issue of Albanian stow-aways referred to by the Netherlands in the notification. On the other hand, the information that the Netherlands has shared with FRAN shows that the number of cases involving Albanian nationals attempting to cross clandestinely into the United Kingdom via sea dropped between 2017 and 2018.

In the Schengen+ area<sup>3</sup> there was a decrease in the number of Albanian nationals illegally present in 2018 (32 355) in comparison to 2017 (37 325). There was also an overall decrease in the number of Albanian nationals refused entry in the Schengen+ area<sup>4</sup>.

##### *I. 2. Art 8(2)(b): Asylum applications*

As per the notification submitted by the Netherlands, Eurostat data<sup>5</sup> show that there was an increase of the first time asylum applications in the Netherlands year-on-year, between 2017 and 2018. The notification from the Netherlands underlines that 550 applications received in 2018 constitutes a considerable number.

The Commission has examined the situation in the most recent two-month period for which Eurostat data were available. In the period March-April 2019, there was a slight decrease in

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<sup>1</sup> Eurostat: “Third country nationals found to be illegally present“ and “Persons refused entry at external borders”, update of 6 June 2019.

<sup>2</sup> The monthly operational information which the Netherlands submits on these two categories to the European Border and Coast Guard Agency in the framework of Frontex Risk Analysis Network (FRAN) may not follow the same definition and indicators as that which is submitted to Eurostat, so the sets of data from these two sources may not be comparable.

<sup>3</sup> All Member States, except Ireland and the United Kingdom, as well as Schengen associated States: Switzerland, Norway, Liechtenstein and Iceland.

<sup>4</sup> No Eurostat data are yet available for Italy at the time of this examination.

<sup>5</sup> Eurostat: “First time asylum applications”, update of 6 June 2019.

the total number of first time asylum applicants in the Netherlands in comparison to the same two-month period in the previous year.

A comparison of the first four months in 2019 with the same period in 2018 reveals an increase of 50% or higher only in one month, February (10 in 2018, 20 in 2019). In the first four months of 2019, the Netherlands has received 75 first time asylum applications of Albanian citizens, the same number as in the first four months of 2018. The recognition rate<sup>6</sup> is at 0%.

In the Schengen+ area there was a 19% increase in the number of first time asylum applications of Albanian citizens in the first three months of 2019<sup>7</sup> in comparison to the first three months of 2018 (4 385 in 2019 compared to 3 695 in 2018).

The recognition rate in the Schengen+ area in the first quarter of 2019 was close to 4,9%. In 2018, the overall recognition rate in the Schengen+ area was 8,2%.

### *I.3. Art 8(2)(d): Organised crime*

In its notification, the Netherlands states it has experienced a substantial increase in serious criminal offences linked to Albanian nationals and that criminal activities of Albanian nationals are an imminent threat to internal security.

According to the Regulation, an increased risk or imminent threat to the public policy or internal security of Member States, in particular a substantial increase (i.e. 50%) in serious criminal offences linked to the nationals of that third country, over a two-month period, should be substantiated by objective, concrete and relevant information and data provided by the competent national authorities.

The Netherlands states in its notification that the number of “Albanian suspects registered by the police” has declined from 710 in 2016 to 476 in 2018. It underlines that “despite the decrease in the number of suspects, the number of Albanian-speaking criminals in organised crime seems to be increasing”. The notification further states that “Albanian-speaking suspects rank number two in the top five of alerts registered by the Netherlands in the Schengen Information System (SIS)”.

As highlighted in the Commission’s Second Report under the Visa Suspension Mechanism, Albanian speaking organised crime groups are usually poly-criminal and are particularly active across a broad range of criminal activities in the EU, although they cannot be linked to Albania or to Albanians alone.<sup>8</sup>

On 19 June 2019, the Commission addressed additional questions to the Netherlands. The Netherlands replied on 28 June 2019.

Based on the elements referred to above and all the available data, the Commission is not in a position to conclude that there has been a substantial increase in serious criminal offences linked to Albanian nationals.

## **II. Cooperation of the Albanian authorities**

The Albanian authorities have put in place a number of measures to address migration and security challenges either through own initiatives or through operational co-operation with the

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<sup>6</sup> Recognition rate is calculated as the share of first instance positive decisions (refugee protection, subsidiary protection, humanitarian protection under national law) in the total number of first instance asylum decisions.

<sup>7</sup> The period for which Eurostat data were available for all Schengen+ States at the time of examining this notification.

<sup>8</sup> COM(2018) 856 final, at p. 2 and SWD(2018) 496 final, at p. 6.

Schengen+ States or EU Justice and Home Affairs Agencies, as evidenced most recently in the Commission's 2019 enlargement report on Albania<sup>9</sup>. This good cooperation was also highlighted in the notification received from the Netherlands.

In 2017, Albania's Border and Migration Department introduced specific working procedures to prevent visa liberalisation misuse by Albanian citizens<sup>10</sup>. Border surveillance for the prevention of illegal crossing of borders has intensified<sup>11</sup>. The Albanian authorities have also taken various measures<sup>12</sup> to prevent unfounded asylum applications of their citizens in the EU. At the Local Schengen Cooperation meeting in Tirana in March 2019, the attending Member States praised cooperation with the Albanian authorities to tackle the issue of unfounded asylum applications.

The cooperation on readmission between Albania and the Member States, including the Netherlands, and as acknowledged by the latter, has been very good as Albania is swiftly honouring the readmission requests of own and third country nationals.

To fight organised crime, Albania has intensified police cooperation with Member States in 2018 and the first quarter of 2019. In the past year, there was an increasing number of large-scale police operations, which have resulted in numerous arrests and a number of important indictments and convictions, including for known leaders of organised criminal groups. Some of these large-scale police operations also saw the involvement of Member States' police and Europol. Albania continues to consolidate its track record on fighting organised crime.<sup>13</sup>

Albania is pursuing a thorough and comprehensive justice reform, which aims at strengthening the professionalism of the judiciary and rebuilding trust in this sector. This reform also includes the temporary re-evaluation of all judges and prosecutors (the vetting process), which has advanced steadily, producing tangible results. The process is expected to strengthen the effectiveness of the judiciary and the overall efforts to fight corruption and organised crime.

As regards bilateral co-operation, a Belgian liaison officer is embedded in the Albanian law enforcement authorities with a regional Benelux mandate. Albania has requested that its liaison officer's mandate in Belgium be expanded to cover cooperation with the Netherlands. Moreover, a Dutch police officer has temporarily been placed in Albania since July 2018. Four Albanian police liaison officers have also been posted to France to support the French law enforcement authorities in investigating criminal cases where Albanian nationals are involved, including those involved in organising asylum seekers' journey to France. A Europol liaison officer was deployed to Albania in June 2019.

Albania has shown a strong commitment to counter the production and trafficking of cannabis and allowed aerial surveys to be carried out by the Italian *Guardia di Finanza* (with the co-funding of operations from the EU budget). It is the only country in the region that allows

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<sup>9</sup> SWD(2019) 215 final, but also the First Visa Suspension Report (COM(2017) 815 final and SWD(2017) 480 final and the Second Visa Suspension Report (COM(2018) 856 final and SWD(2018) 496 final).

<sup>10</sup> Order Nr 805 of 1 August 2017 on Strengthening the control of Albanian citizens crossing the State border, issued by Director-General of Albania State Police and Letter no 3210/2017 issued by the Director of Albania's Border and Migration Department on the verification at the border of the notarial act for minor travellers.

<sup>11</sup> See the Commission's 2019 Albania enlargement report SWD(2019) 215 final, at p. 41.

<sup>12</sup> See the Commission's 2019 Albania enlargement report SWD(2019) 215 final, at p. 41, the First Visa Suspension Report (COM(2017) 815 final, at p. 2 and SWD(2017) 480 final, at p. 3.) and the Second Visa Suspension Report (COM(2018) 856 final at p. 2. and SWD(2018) 496 final, at p. 6).

<sup>13</sup> See the Commission's 2019 Albania enlargement report SWD(2019) 215 final, at p. 32 and p. 33.

such a monitoring mechanism by a third country. Albania is also the first country in the Western Balkans to sign a working arrangement with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) in March 2019.

The European Border and Coast Guard (EBCG) Status Agreement between the EU and Albania, entered into force on 1 May 2019 and was swiftly followed by a deployment of joint EBCG teams to Albania's border with the EU with participation of 12 Member States, including the Netherlands. This is the first such agreement and deployment in the Western Balkans and outside the EU. Together with other existing arrangements and agreements with EU Agencies in the field of Justice and Home Affairs, this should further contribute to strengthened cooperation between the EU and Albania to jointly manage migration and tackle cross-border crime.