

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 country¹.

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 Netherlands². 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+ area³ 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+ area⁴.

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

As per the notification submitted by the Netherlands, Eurostat data⁵ 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

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

² 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.

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

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

⁵ 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 rate⁶ 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 2019⁷ 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.⁸

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

⁶ 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.

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

⁸ 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 Albania⁹. 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 citizens¹⁰. Border surveillance for the prevention of illegal crossing of borders has intensified¹¹. The Albanian authorities have also taken various measures¹² 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.¹³

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

⁹ 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).

¹⁰ 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.

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

¹² 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).

¹³ 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.