

In view of the present state of Serbia's preparations, the EU notes that, on the understanding that Serbia has to continue, through inclusive consultation with civil society and major stakeholders as well as appropriate parliamentary scrutiny using procedures that ensure this adequately, to make progress in the alignment with and implementation of the *acquis* covered by the chapter Justice, freedom and security, the following *interim benchmarks* would need to be met before the next steps in the negotiation process of the chapter Justice, freedom and security can be taken:

- Serbia ensures an effective, close and permanent monitoring of the implementation of its Action Plan in the field of Justice, Freedom and Security through a robust and multi-disciplinary mechanism, paying particular attention to the adequacy of human and financial resources, institutional capacity, training requirements, the respect of set deadlines, a real dialogue with civil society and adequate consideration of their proposals and which can trigger corrective measures as required.

Serbia enhances its efforts to ensure compliance with EU requirements in the field of legal and irregular migration. In particular,

- Serbia conducts a comprehensive gap analysis of its legal, institutional, technical and training needs in the field of legal and irregular migration. Based on this, Serbia clearly identifies steps for implementing an EU compliant migration policy, including:
 - An investment plan for meeting the needs for equipment, IT, consequent apprehension, identification and registration of irregular migrants, as well as accommodation and detention of irregular migrants for the purpose of return.
 - A human resources strategy and training plan.
 - Serbia allocates sufficient financial resources to start and complete implementation of the above.

- Serbia amends the Criminal Code, the Law on Employment of Foreigners and the Law on Foreigners and brings its legislation in line with the EU *acquis* in the field of legal and irregular migration. Serbia effectively monitors and reports on the implementation of this legislation and takes corrective measures where needed.
- Serbia ensures proper accommodation for intercepted irregular migrants in accordance with the needs and pays particular attention to vulnerable groups. Serbia ensures adequate detention capacity and procedural timeframes for the return of irregular migrants in accordance with their needs and in compliance with the standards of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment. Serbia constantly monitors the adequacy of accommodation and detention capacity and is ready to provide, if necessary, at short notice additional capacity in case of sudden influxes.
- Serbia negotiates and takes steps to conclude readmission agreements, including with more countries of origin and transit. Serbia promotes and provides effective support for voluntary return of irregular migrants to their country of origin and develops the institutional capacity for implementing a robust re-documentation and return mechanism in line with the EU return policy and *acquis*. Serbia provides an initial record of effective re-documentation and returns of irregular migrants.
- Serbia implements measures leading to a notable decrease in the numbers of its nationals submitting unfounded asylum applications in the EU. Serbia develops and implements awareness-raising and information campaigns, particularly among the main concerned local communities of origin and develops a parallel track of better social inclusion of these communities in Serbian society.
- Serbia takes all necessary steps to ensure that further measures are put in place to enable law enforcement agencies to effectively target and dismantle organised crime groups responsible for migrant smuggling through its territory. Serbia demonstrates an initial track record of successful investigations, prosecutions and final convictions of people smugglers, including successful confiscation of their criminal assets.

Serbia enhances its efforts to ensure compliance with EU requirements in the field of asylum.

In particular,

- Serbia develops a robust mechanism for early warning, preparedness and crisis management and correctly implements it in crisis situations. Serbia establishes an adequate capacity to register and determine whether displaced persons are in need of international protection or not.
- Serbia adopts and implements a new Law on Asylum which is to the maximum extent aligned with the relevant EU *acquis* and which provides the basis for establishing an initial track record on implementing an EU compliant asylum procedure ensuring:
 - unhindered access to the procedure;
 - a reasonable length of handling asylum requests;
 - an improved quality of the decisions taken;
 - recognition rates comparable to the EU average;
 - sufficient accommodation for, assistance to and integration of asylum seekers (including vulnerable categories) into society;
 - effective measures to prevent possible misuse of rights by migrants, including swift appeal procedures;
 - effective and rapid return of rejected applicants to the country of origin or third-country of transit;
 - Appropriate legal and immigration provisions for failed asylum applicants or irregular migrants that cannot be quickly removed from Serbia.

- Serbia substantially strengthens its institutional capacity to effectively handle asylum claims and ensures the financial sustainability of institutions concerned, including relevant administrative and judicial authorities at local and national level. In particular:
 - The capacity of the Asylum Office to adequately and timely handle asylum requests is strengthened through hiring extra staff and ensuring their comprehensive training, development and regular assessment.
 - The capacity of the Commissariat for Refugees is further upgraded in line with identified requirements, including through regular training.
 - Judicial authorities in charge of handling asylum and immigration appeals receive relevant training.
 - Serbia develops the ability to further increase its accommodation capacity based on a continued monitoring of migration trends and the needs of irregular migrants on its territory.

Serbia enhances its efforts to ensure compliance with EU requirements in the field of visa policy. In particular,

- Serbia conducts a comprehensive needs assessment as a basis for the relevant parts of the required Schengen Action Plan.
- Serbia ceases issuing visas at the borders and brings its visa policy in line with EU requirements in this respect.

Serbia enhances its efforts to ensure compliance with EU requirements in the field of Schengen and external borders. In particular,

- Serbia adopts a Schengen Action Plan (SAP) which will allow it to effectively prepare the steps needed (including as regards investment in infrastructure and equipment, staffing and training needs, institution building needs and legal steps) to implement the relevant parts of the Schengen *acquis* upon accession or where relevant upon accession to the Schengen area. Serbia secures upon adoption of the SAP the necessary funds for its implementation.

- Serbia adopts and implements an amended Integrated Border Management (IBM) Strategy in line with the EU IBM concept. Serbia pays particular attention to improving information exchange, coordination among border agencies and further develops its risk analysis capacity within the border police.
- Serbia makes good progress with the modernisation of infrastructure and equipment at border crossing points as well as in between them, in particular those borders most affected by smuggling of goods and persons.
- Serbia steps up operational cooperation with all its neighbours for effectively preventing illegal crossings and, in particular, takes steps to clarify the status of all alternative roads with its neighbours either by preventing passage or by formalising these border crossing points through the conclusion of local border crossing agreements.
- Serbia addresses the twin-threats of corruption and organised crime at its borders through the implementation of a dedicated anti-corruption plan at the borders and provides an initial track record of an adequate follow up of detected cases.

Serbia enhances its efforts to ensure compliance with EU requirements in the field of judicial co-operation in civil, commercial and criminal matters

- Serbia conducts a comprehensive impact assessments covering judicial co-operation in civil, commercial and criminal matters and on that basis amends its action plan providing:
 - a clear sequencing of steps needed to align with the *acquis* in this area;
 - an overview of staffing and training needs;
 - details on the costs and sources for financing these reforms.
- Serbia recruits and trains an adequate number of experts, both in the Ministry of Justice as well as in courts and prosecutorial offices in line with the set objectives of ensuring quality and a timely handling of requests for judicial cooperation in civil, commercial and criminal matters.

- Serbia adopts the necessary amendments to the relevant laws herewith aligning its legislation to the maximum extent to the EU *acquis* in the area of judicial co-operation in criminal, civil and commercial matters and ensures that the material conditions are in place to ensure a proper implementation.
- Serbia concludes a co-operation agreement with Eurojust for which a data protection law in line with the EU *acquis* needs to be adopted and implemented.
- Serbia provides an initial track record of efficiently handling judicial co-operation requests in civil and criminal matters and applying multilateral conventions and bilateral agreements in this area.

Serbia enhances its efforts to ensure compliance with EU requirements in the field of police co-operation and the fight against organised crime

- Serbia conducts a comprehensive analysis and on that basis amends its action plan providing:
 - a clear sequencing of steps needed to align with the EU police co-operation instruments;
 - an overview of staffing and training needs, including, where relevant, steps to address critical gaps;
 - clarifying procedures for operational co-operation between various departments in the Ministry of the Interior and with Intelligence Services;
 - ensuring the material conditions for smooth and secure exchange of relevant data;
 - cost details and sustainable financial sources required for effectively implementing these reforms;
 - detailed steps for establishing robust safeguards to ensure that the police integrity is strengthened and that police services are operationally independent from political interests and shielded from criminal influence.

- Serbia implements its operational agreement with Europol in a satisfactory manner and applies effectively the EU Serious and Organised Crime Threat Assessment (SOCTA) methodology to develop a strategic picture of risks and threats related to the organised crime situation on its territory. Serbia is using the SOCTA to define and act on priorities in its security policy.

- Based on the outcome of a planned analysis of relevant bodies, Serbia amends the Law on the Organisation and Jurisdiction of State Authorities in the fight against organised crime, corruption and other particularly serious offences and strengthens its institutional capacity through:
 - ensuring effective co-ordination and productive cooperation between the police and the prosecutors in line with Criminal Procedure Code which clearly defines their respective roles, duties and responsibilities;
 - filling the remaining vacancies in the Prosecutor's Office for Organised crime (POOC) and the Department for Combating Organized Crime (DCOC) in the Ministry of the Interior;
 - ensuring that training needs of staff of the POOC and the DCOC are clearly defined and addressed;
 - improving the material conditions for the POOC, in particular through a modern case management system, new analytical software and making IT systems interoperable with data bases of other relevant institutions;
 - ensuring a more coherent approach within the Police for collecting and sharing intelligence, including through modernising IT tools,
 - ensuring in practice a smooth co-operation and a safe platform for information exchange between POOC and DCOC as well as with other relevant agencies.

- Serbia establishes a system of regular collection of unified crime statistics with reference to the UNODC International Classification of Crime for Statistical Purposes.
- Serbia redefines the role of the intelligence service in the criminal investigation procedure to ensure a clear separation of the mandates and regulations concerning interception of communications for criminal investigation, on the one hand, and for security purposes on the other and put in place a robust oversight mechanism so as to avoid any abuses.
- Serbia brings its legislation in line with the 40 FATF recommendations, implements its financial investigation strategy, including providing the necessary training on the concept of financial investigation and systematically conducts financial investigations in parallel with criminal investigations into corruption and organised crimes.
- Serbia adopts new legislation on asset recovery in line with – but preferably going beyond - the EU *acquis*, establishes an Asset Recovery Office (ARO), which should also be in a position to properly manage these assets and is adequately resourced in terms of staff, equipment and budget. Serbia provides an initial track record of an increased number of cases and higher amounts of criminal assets confiscated, in particular in cases of organised crime and money laundering.
- Serbia steps up the fight against money laundering, in line with the recent recommendations of MONEYVAL in its evaluation report on Serbia and provides an initial track record of an increasing number of suspicious transactions reported to the Financial Intelligence Unit (FIU) and ensures these are pro-actively used in criminal investigations.

- Serbia adopts and implements a strategy and action plan in line with the EU Strategy Against Trafficking in Human Beings and respecting a human rights based approach. Serbia brings its legislation in line with the relevant EU *acquis*, strengthening its operational capacity, ensuring a more pro-active attitude of investigative authorities, focusing prevention efforts also on vulnerable groups such as children and Roma, preventing re-victimisation during investigation, prosecution or trial and provides training on the above to all relevant organisations and services, including to services that can help on the early identification of victims and/or potential victims.
- Serbia prepares, adopts and implements a strategy and action plan to effectively address cyber criminality in line with the EU strategic and operational approach against cybercrime. Serbia strengthens its operational capacity (in terms of staffing and equipping the High Tech Crime Unit) to deal with cyber criminality and aligns its legislation with the relevant EU *acquis*, including as regards on-line child sexual abuse, provides specialised training and raises the awareness among civil servants and the public on cyber criminality.
- Serbia steps up the fight against the storage, sale and ownership of illegal firearms (in particular linked to terrorist activities), implements the new Law on Weapons and Ammunition and adopts and implements its future Strategy and Action Plan on Small Arms and Light Weapons for the period 2016 – 2021. Serbia steps up its operational capacity (including intelligence collection, analysis and exchange of information), further aligns its legislation with the relevant EU *acquis*, establishes a centralised system to register seized arms and exchanges information on it and ensures secure storage and destruction of confiscated weapons.
- Based on the results of an impact assessment, Serbia provides extra staff, training and equipment to the Witness Protection Unit in the Ministry of the Interior.
- Serbia establishes an initial track record of efficient and effective investigation, prosecution and convictions in organised crime cases, including the confiscation of criminal assets.

Serbia enhances its efforts to ensure compliance with EU requirements in the field of anti-terrorism

- Serbia adopts and implements a new Strategy to prevent and fight terrorism in line with the EU Counter-Terrorism Strategy, aligns its legislation to the maximum extent with the relevant EU *acquis*, continues to develop its operational capacity, deploys effective efforts to prevent radicalisation and extremism and steps up practical co-operation and information exchange with specialised services in the EU and its Member States.

Serbia enhances its efforts to ensure compliance with EU requirements in the field of co-operation in the field of drugs

- Serbia continues to implement the Strategy for Drug Abuse (2014 – 2021) and the Action Plan (2014 – 2017) and monitors the quality and effects of their implementation.
- Serbia takes measures aimed at increasing the operational capacity of bodies involved in the fight against drugs trafficking, in particular the Service for Drug Addiction Prevention and Drugs Trafficking Suppression in the Ministry of the Interior which should be fully staffed and trained, allowing it to systematically conduct pro-active investigations.
- Serbia ensures that there is a smooth cooperation between the various bodies responsible for prevention of drug abuse and the overall coordination of the national policy against drugs. It ensures that there are no overlapping mandates.
- Serbia ensures smooth cooperation with the European Monitoring Centre for Drugs and Drug Addiction (EMCDDA) through the National Monitoring Centre for Drugs within the Ministry of Health and reports to EMCDDA on a regular basis.
- Serbia provides an initial track record of an increase of drugs seizures and ensures secure storage and effective destruction of confiscated drugs and precursors in line with EU standards. Serbia ensures that final convictions for drugs trafficking are systematically accompanied by decisions to confiscate unlawfully gained assets of convicted criminals.

Monitoring of progress in the alignment with and implementation of the *acquis* will continue throughout the negotiations. The EU underlines that it will devote particular attention to monitoring all specific issues mentioned above – including through peer-review missions - with a view to ensuring Serbia's administrative capacity. In line with the provisions of the negotiating framework, the Commission indicates its intention to propose updated interim benchmarks, whenever it is duly justified. In this respect, any measures to adjust pre-accession assistance may only be taken in accordance with applicable rules and procedures. Particular consideration needs to be given to the links between the present chapter and other negotiation chapters. A final assessment of the conformity of Serbia's legislation with the *acquis* and of its implementation capacity can only be made at a later stage of the negotiations. In addition to all the information the EU may require for the negotiations in this chapter and which is to be provided to the Conference, the EU invites Serbia to provide regularly detailed written information to the Stabilisation and Association Council on progress in the implementation of the *acquis*.

In view of all the above considerations, the Conference will have to return to this chapter at an appropriate moment.

Furthermore, the EU recalls that there may be new *acquis* between the opening and the conclusion of the negotiations.
