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From:	Presidency
To:	Delegations
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Subject:	Implementation report - Bosnia and Herzegovina

In view of the MOCADDEM round table of 25 October 2023, delegations will find attached the implementation report of the Action file on Bosnia and Herzegovina.

Specific objectives

The aim is to build on policy dialogue, including under the Stabilisation and Association Agreement between the EU and Bosnia and Herzegovina, to ensure the country aligns with the EU acquis in the area of migration and increases its administrative capacity in order to prepare for EU accession. The Political Agreement on Principles for ensuring a functional Bosnia and Herzegovina that advances on the European Path of 12 June 2022 calls for measures to be adopted to fully restore regular policy dialogue with the EU, including through the Stabilisation and Association Agreement structures.

In this context, the EU will aim to provide effective support on all aspects of migration, in line with the Western Balkans Action Plan, including:

- Consolidating Bosnia and Herzegovina's reception and asylum capacity and asylum system, building on the work of the European Union Asylum Agency to strengthen asylum in particular.
- Further supporting Bosnia and Herzegovina's migration management capacity:
 - o On border management, including by signing and ratifying the status agreement between the EU and the authorities of Bosnia and Herzegovina.
 - o Further strengthening Bosnia and Herzegovina's capacity to conduct return and readmissions to countries of origin.
- Combatting migrant smuggling and human trafficking networks, in particular by supporting the strategy developed by Bosnia and Herzegovina in this field and by inviting the country to further engage in the EMPACT cooperation platform.

The Joint Coordination Platform (JCP), which was established to focus on determining the specific needs and suitable measures in this region, should be informed about bilateral actions by Member States.

Results: This MOCADDEM progress report is presented by the Presidency after the Action File was presented to COREPER on 9 November 2022 with the latest engagement and actions of the EU with Bosnia and Herzegovina.

Actions:

Political and technical awareness-raising for the implementation of a migration management and reception system in line with EU standards

Action 1: Building on the commitments made in the framework of the Western Balkans Action Plan, continue discussions in the framework of the EU-Bosnia and Herzegovina Stabilisation and Association Committee and the Justice, Freedom and Security Subcommittee to address the different aspects of migration management.

- **Lead actors:**
 - o **Commission, EEAS and EU Delegation:** Pursue regular policy dialogue in line with the Political Agreement and seek dates for the holding of relevant subcommittees.

- **Timeframe:**
 - o **Q4 2022:** Foreseeing the next Justice Freedom and Security Sub-committee

The EU Action Plan on the Western Balkans, presented by the Commission in December 2022, addresses the surge in irregular arrivals to the EU via the Western Balkan route which occurred in 2022. The implementation of the Plan has contributed to a decreasing migratory pressure along the Western Balkans route in 2023 compared to 2022.

Completed

Policy dialogue with BiH during 2023:

- In high-level meetings between Schengen Coordinator Onidi and Minister of Security Nesic in February, March and June 2023 discussions focused on implementation of the Western Balkans Action Plan, including migration management.
- Commissioner Johansson met Minister of Foreign Affairs Elmedin Konaković on 12 September 2023.
- [REDACTED] met Minister Nesic in the margin of the Berlin Process Ministerial, held in Tirana on 14-15 September 2023.

Pending

- The 7th Justice Freedom and Security Sub-committee will be held in Sarajevo, in hybrid format, on **6-7 December 2023**, focussing on implementation of the WB Action Plan.
- The next EU-Western Balkans Justice and Home Affairs Ministerial Forum will take place in Skopje, on **26 October**.
- The enlargement report is due in November 2023. It will also take stock of the progress made by Bosnia and Herzegovina in the implementation of the Western Balkans Action Plan.

Action 2: Within the existing frameworks for dialogue, further urge the BiH Council of Ministers to adopt the national strategy and action plan 2021-25 for asylum and migration management, which has been prepared by the Ministry of Security, aimed at better coordinating the action of the different authorities involved (State, Entities, cantons, municipalities) in line with key priority n°8 of the Commission's Opinion on BiH's application for membership of the European Union. At the same time, encourage BiH authorities to promote awareness-raising and information about the framework and conditions of asylum and return procedures in BiH, risks of illegal migration, concrete possibilities of voluntary return and reintegration for irregularly resident migrants. Promote the existing initiatives in the field of mobility and legal migration deployed by the Member States according to their national competence.

In this context, encourage BiH authorities to align the visa policy towards other third countries with the EU visa policy.

- **Lead actors:**
 - o **Commission, EEAS and EU Delegation:** Within the framework of the ongoing dialogues (e.g. Justice, Freedom and Security Subcommittee), recall the need to establish a national strategy allowing for effective coordination between all competent authorities.
 - o **Austria (through the support of the Joint Coordination Platform):** Support in the approximation of policies and practices to the EU Acquis with a particular focus on migration-management and visa (legislation, SOPs, exchange of best practices; fostering of regional approach).

- **Timeframe:**

- **Immediately / By Q4 2022:** Encourage the BiH Council of Ministers to adopt the migration strategy and action plan.

Completed

- The Strategy and Action Plan on Migration and Asylum 2021-2025 was adopted in March 2023.

Pending

Visa alignment

- [REDACTED]
- Bosnia and Herzegovina maintains visa-free regimes with eight countries, whose nationals need a visa in the EU: Azerbaijan, China, Kuwait, Oman, Qatar, Russia, Saudi Arabia (summer season only) and Türkiye. The visa-free arrangement with Bahrain was terminated in September 2023.
- Further efforts and close monitoring of flows especially of the nationalities which are not allowed into Schengen without visa, remains crucial.
- The 6th Visa Suspension Mechanism Report (covering 2022 developments) adopted 18 October 2023.

Strengthening the asylum system and reception capacities

Action 3: Ensure practices in conformity with EU standards and effective access to the asylum procedure and continue to encourage the establishment of further reception capacities, especially at entry points in consultation with BiH authorities. Bosnia and Herzegovina should assume the management of reception centres and organise fair burden sharing between all entities and cantons.

- **Lead actors:**

- **Commission, EEAS and EU Delegation:** Engage the BiH authorities, at national and local level, on the necessary steps to ensure effective access to registration and the asylum procedure in the country and to develop reception capacities throughout the country.
- **Commission and EU Delegation:** Within the framework of available funds, ensure financial support for the various aspects of migration management, including reception centres distributed equitably throughout the country, using in particular the IPA-III funding (actions adopted in 2021 include: EU4 Migration, border management and Mine Action, €15M; EU regional support to the management of migration flows, €101.25M, with an allocation of approximately €40M for BiH; EU regional support to protection-sensitive migration management systems in the Western Balkans - PHASE III, €19.2M).
- **EUAA:** Continue cooperation with Bosnia and Herzegovina, to strengthen the national asylum and reception system, notably through provision of expert support on asylum and reception legal framework and the development of tools (guidance, protocols and standard operating procedures) and capacity building needed to facilitate practical implementation and operationalisation, while taking into account need for coordination between key actors in the system and in coordination with MSs and international partners, including UNHCR.
- **Slovakia:** An open project in Bosnia and Hercegovina, on the basis of the MoU signed in September 2021 between Ministry of Security (BiH) and Ministry of Interior (SK), with the focus on capacity building in line with the Action 3: Ensure practices in

conformity with EU standards and effective access to the asylum procedure and encourage the establishment of reception capacities.

- **Austria** (through the coordination of the Joint Coordination Platform): Provide support to the authorities of Bosnia and Herzegovina in taking ownership in the management of reception centres (screening, debriefing, interviewing, registration, camp management).
- **Germany**: Germany has recently supported the construction of the reception centre in Lipa.

- **Timeframe:**

- **Ongoing**: All projects listed above were adopted in 2021 and are ongoing; the construction of the reception centre in Lipa is finished.

Completed

Strengthening the asylum system and reception capacities

- The multi-purpose reception and identification centre in Lipa, near Bihać, established with EU support back in 2021, is operational.
- There has been some progress in providing essential services to refugees and migrants, in cooperation with humanitarian partners.

Institutional and legislative developments:

- The new Law of Foreigners was endorsed in 2023 by the Council of Ministers and needs to be adopted by Parliament. Council of Ministers adopted the new strategy on migration and asylum 2021-2025 in December 2022, and the related Action Plan in March 2023.

Pending

Strengthening the asylum system and reception capacities

- Bosnia and Herzegovina needs to strengthen capacity and to effectively manage the Lipa centre, fully respecting fundamental rights, domestic legislation and international standards, including for screening and registration, the protection of vulnerable persons and detention. No accommodation capacities are available for minors outside of the cities where reception centres are located.
- Asylum and reception: EUAA support though the joint roadmaps is acknowledged and well-used. BIH new Roadmap (2023-2025) is being discussed (last meeting held on 26th September 2023). [REDACTED]
- [REDACTED]
- Talks on taking over full ownership of all temporary reception centres are ongoing.

Border management and Frontex action

Action 4: [REDACTED]

[REDACTED] Herzegovina and strengthen capacities for border management.

- **Lead actors:**

- **Commission:** [REDACTED]
- **Commission and EU Delegation:** Within the framework of the budgetary programming, ensure financial support to the different strands of migration management, including **border management** (e.g. equipment at border crossing points, establishment of a national coordination centre for border management, inter-agency cooperation, and training of border guards), using in particular IPA III funding.

In addition to actions listed above, the action adopted in 2021 on 'EU regional support to border security' with a budget of €7 million will also contribute.

- **Council:** Provide guidance, on the basis of the Commission's proposals, on the way forward to [REDACTED]
- **Frontex:** Continue technical cooperation with Bosnia and Herzegovina in the field of border control and risk analysis, supported by the appropriate EU funds (two technical assistance projects on-going/planned in the Western Balkans, including Bosnia and Herzegovina: on protection-sensitive migration management, and on border security facilitating participation of border police in Frontex operations by providing training in various fields; the latter awaiting the finalization of a grant agreement with DG NEAR), and ensure continued Frontex operational presence under the Joint Operation Coordination Points at air and land borders (operations without executive powers).
- **Austria (coordinated through the Joint Coordination Platform):** Border control (checks and surveillance) with the aim to prevent illegal entries (focus on the fulfilment of entry requirements, checks of documents (legality, forgery, proof of travel)).
- **Denmark:** Denmark supports all six WB countries, incl. BiH, enhancing border management through a regional capacity building facility on integrated border management (IOM-WBIBM).

- **Timeframe :**

- **Q4 2023:** [REDACTED]
- **Ongoing:** The regional Border security programme, implemented by Frontex (€7 million), will contribute to the implementation of EU-compliant border security measures by the partners in the Western Balkans, including Bosnia and Herzegovina.

Pending

Border management:

- [REDACTED]
[REDACTED] This would enable Frontex to deploy its standing corps to both Bosnia and Herzegovina's EU and non-EU borders.
- [REDACTED]
[REDACTED]

Building capacity for return and readmission

Action 5: Improve the capacity of the BiH authorities to carry out the returns of persons who are not in need of international protection to countries of origin while ensuring respect for fundamental rights and the principle of non-refoulement, taking into account specific needs of vulnerable groups. Ensure in parallel BiH readmission obligations with all Member states, including regarding third country nationals. Monitor the implementation of proposed actions via Ad hoc meetings of the Joint readmission committee. Support voluntary return activities in Bosnia and Herzegovina, including encouraging irregular migrants to apply for assisted voluntary return and reintegration offers from organisations such as IOM and Frontex. Support development of readmission cooperation with countries of origin by all available means.

- **Lead actors:**

○ **Commission, EEAS :**

- Identify, in the framework of the various contacts with the BiH authorities, the measures needed to strengthen the national framework for return management.
- Within the framework of budgetary programming, continue to ensure financial support to the different components of migration management, including **return and readmission** (e.g. capacity building support for the development of a legislative framework on return; capacity building for administrative detention and other operational aspects; support to voluntary return programmes, including awareness raising concerning offers for assisted voluntary return and reintegration from organizations such as IOM), using in particular IPA III funds. One action adopted in 2022 includes IPA III funds (€500,000) for voluntary and non-voluntary returns in full respect of the rule of law and fundamental rights (Individual measure to strengthen the response capacity to manage migration flows in favour of the Western Balkans for 2021).

- **Frontex:** Continue capacity building on issues of return and readmission (various activities foreseen under the scope of technical assistance project on protection sensitive migration management to establish Integrated Return Management Systems in Western Balkans; facilitate cooperation with countries of origin, with a particular focus on establishing operational-level liaison, as well as identification and acquisition of travel documents; improvement of IT tools on the basis of the Return Case Management System, to which the alignment will be facilitated; training on professional skills for officials engaged in negotiations with countries of origin).

- **Austria (coordinated through the Joint Coordination Platform):** Continuation of tailored capacity building measures (escort-training, how to organize flights, third-country contacts) and of tailored support in the organization of concrete returns and readmissions.

- **Poland** (within the Joint Coordination Platform): Possible escort-training.

- **Germany:** Support to an IOM-AVRR-project until the end of 2021.

- **Denmark:** Supports all six WB countries, incl. BiH, enhancing national migration management and readmission systems through a regional capacity building facility on readmission (IOM-WBCAP). Denmark also supports the IOM-AVRR-project until the end of 2021. Currently considering the possibility to support a phase II of the AVRR-project.

- **Timeframe:**

- **Ongoing:** Maintain contacts on return related matters, in order notably to ensure the respect of their commitment in readmission, but also to identify the need for assistance.
- **Q3 2022:** Start implementing the project to support Bosnia and Herzegovina in the preparation and organizing of voluntary and non-voluntary returns of migrants in full respect of the rule of law and fundamental rights (part of the individual measure to strengthen the response capacity to manage migration flows in the Western Balkans for 2021).

Completed

- The EU has made EUR 500 000 available to support return operations (which includes EUR 50 000 for training). BiH is putting in place a mechanism to use these funds and organise the returns.

- BiH is implementing voluntary and non-voluntary returns of migrants in full respect of the rule of law and fundamental rights. So far, at least 65 persons have been returned to their countries of origin (Pakistan, Morocco etc). Migrants are encouraged to return using voluntary return rather than forced return, assisted voluntary return is ongoing with assistance of IOM.

Action 6: Support Bosnia and Herzegovina's readmission process to address difficulties in identification and travel document issuance, notably with [REDACTED], where necessary by supporting the **consular authorities** of these countries but also by relaying to them the need to actively cooperate with the authorities of Bosnia and Herzegovina [REDACTED]. Facilitate **repatriation operations** as soon as possible, notably through bilateral cooperation with Member States.

- **Lead actors:**

○ **Commission, EU Delegation:**

- Identify with the BiH authorities the specific needs for support to the readmission process, including their priorities for consular cooperation.
- Encourage Bosnia and Herzegovina to seek to develop joint cooperation on return toward third country with neighbouring Western Balkans countries.

○ **Commission, EEAS and Member States:** Relay, as part of a coordinated approach to the main countries of origin for irregular migrants in Bosnia and Herzegovina, the importance of identifying and readmitting their nationals as well as third country nationals in a timely manner.

○ **Frontex:** Continue to support relations between BiH and main countries of origin concerned, notably by participation of BiH officials in Frontex' country working groups [REDACTED]

○ **Member States, notably Czech Republic :**

- Support voluntary returns from Bosnia and Herzegovina to countries of origin and to help regular and systematic data collection on migrants located in the country.

- **Timeframe:**

- **Ongoing:** Maintain contacts on return related matters in order to identify the need for assistance.

Returns and Readmission

Completed

- BiH remains the country in the Western Balkans where most returns are organised. The 9th meeting of the **EU-Bosnia and Herzegovina Joint Readmission Committee (JRC)** took place in Brussels on 28 March 2023.
- The implementation of **non-voluntary returns of irregular migrants to their countries of origin remains a challenge for BiH authorities** due to the absence of cooperation frameworks with countries of origin, the lack of documentation to establish the identity of migrants and the lack of diplomatic representation of various countries of origin in BiH.
- The Readmission Agreement between BiH and Pakistan (ratified in 2021) was an important step. Discussions with other countries of origin related to cooperation on identification and non-voluntary returns of irregular migrants include an identification visit by a delegation from [REDACTED] (31 January – 2 February 2023).

- Currently no mechanisms are in place to return [REDACTED].

Combating migrant smuggling and human trafficking networks

Action 7: Intensify efforts to combat the smuggling of migrants and human trafficking, by encouraging Bosnia and Herzegovina to fully ensure the implementation of the operational agreement between Europol and Bosnia and Herzegovina signed in 2016, to engage in the EMPACT cooperation platform. Support the national strategy in this area, including inter-agency coordination in a proactive sense, also warning endangered groups (such as potential irregular migrants) about the criminal activities of the smugglers through appropriate information measures.

- **Commission, EEAS:** Relay, in the framework of existing policy dialogues, the need to strengthen the participation of Bosnia and Herzegovina in the framework of the EMPACT network, with the objective of combating the smuggling of migrants and human trafficking.
- **Commission and Member States:** Continue financial support, including through the Joint Operational Partnership to combat smuggling networks, focusing on the fight against document fraud and concealment in vehicles. Commission to explore new options to support the fight against smuggling and trafficking, including through financial support (new regional programme of indicatively €30 million started on 1 June 2023 and further 6 M EUR will be added).
- **Europol:** Pursue technical cooperation with Bosnia and Herzegovina in the framework of the Europol's European Migrant Smuggling Centre.
- **Member States:**
 - Exchanges of staff and field missions in the framework of fight against irregular migration.
 - Cooperation in the fight against trafficking in human beings and child abuse (prevention of trafficking in human beings, the identification, referral, protection and voluntary return of victims or potential victims of trafficking in human beings, as well as the protection of child victims of all forms of abuse).
- **Austria:** (support by the Joint Operational Office; Co-Driver at EMPACT and Action Lead of the Task Force Western Balkans in the following fields): Continuous rapid exchange of information in the fight against smuggling, Continuous support of the BiH Criminal Police/Anti-Smuggling with content-related and technical expertise, Providing of financial resources for investigative procedures (e.g. interpretation costs) via Europol.
- **Denmark:** Supports all six WB countries, incl. BiH, enhancing regional cooperation and coordination in countering smuggling of migrants and trafficking in human beings (IOM).

Completed

- Bosnia and Herzegovina participates in the regional Anti-Smuggling Operational Partnership with the Western Balkans to support law enforcement and judicial cooperation against criminal smuggling networks, and to increase border management capacities. Bosnia and Herzegovina also took part in the regional meeting of the Network of European Immigration Liaison Officers 28-29 March 2023, to facilitate the exchange of operational information and intelligence and support the implementation of the Anti-Smuggling Operational Partnership.
- Alongside the ongoing projects in the region under ASOP, the new IPA measure (EUR 30 million) signed on 1 June will help WB Partners (and EU MS, several of which are part of the

consortium) to further implement the Regional Anti-smuggling Operational Partnership. The project is in its inception phase and an inception visit took place in Bosnia and Herzegovina.

Pending

- [REDACTED]