

## Rocznik Instytutu Europy Środkowo-Wschodniej (Yearbook of the Institute of East-Central Europe)

ISSN 1732-1395

Instrukcje dla autorów i Rocznik online:  
<https://ies.lublin.pl/rocznik>

### The impact of the European Union visa liberalisation process on the reduction of organised crime and corruption in Kosovo

Paulina Szeląg<sup>a</sup>

<sup>a</sup> Państwowa Wyższa Szkoła Wschodnioeuropejska w Przemyślu (Polska)

Opublikowano online: grudzień 2019

Sposób cytowania: P. Szeląg, *The impact of the European Union visa liberalisation process on the reduction of organised crime and corruption in Kosovo*, „Rocznik Instytutu Europy Środkowo-Wschodniej” 17 (2019), z. 4, s. 123-139, DOI: <https://doi.org/10.36874/RIESW.2019.4.6>.

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Paulina Szeląg\*

# The impact of the European Union visa liberalisation process on the reduction of organised crime and corruption in Kosovo\*\*

**Abstract:** On January 19, 2012, the European Commission (Commission) decided to launch a visa liberalisation dialogue with Kosovo, and on June 14, 2012, it handed over to Kosovo's government a 'Roadmap Towards a Visa-free Regime'. This document included 95 requirements that Kosovo had to fulfil. By 2016, the Commission had adopted four reports on progress made by Kosovo in the visa dialogue. In a report issued on May 4, 2016, the EC proposed to the Council of the EU (Council) and the European Parliament (EP) to lift visa requirements on the citizens of Kosovo. The Commission stressed that by the day of the adoption of the proposal by the EP and the Council, Kosovo must have ratified the border/boundary agreement with Montenegro and strengthened its track record in the fight against organised crime and corruption. On July 18, 2018, the Commission confirmed in a report on the progress made by Kosovo in the visa dialogue, that the country had fulfilled the last two requirements included in the roadmap.

The aim of this article is to analyse the visa-liberalisation dialogue between the European Union (EU) and Kosovo and whether liberalisation through a visa-free regime with Kosovo had an influence on reducing organised crime and corruption in Kosovo. The article is based on an analysis of primary and secondary sources, as well as statistical data.

**Keywords:** Kosovo, the European Union, visa-liberalisation process, organised crime, corruption

\* Paulina Szeląg – PhD, is a senior lecturer at the Institute of International Relations and Political Science, East European State Higher School in Przemyśl, Poland. ORCID: <https://orcid.org/0000-0002-0662-4987>. E-mail: [paulinaszelag@op.pl](mailto:paulinaszelag@op.pl).

\*\* This article is partially based on sources available at the Department of Special Collections of the Princeton University Library, collected by the author during the research stay funded by the Friends of Princeton University Library.

## 1 Introduction

● According to Konrad Pawłowski, Kosovo struggles with many issues in its economy, including a rising budget deficit and higher public debt, a very high foreign trade deficit, a low level of competitiveness, dependence on foreign aid, a low level of foreign investment, high unemployment, a significant grey market, and criminalisation in economic life<sup>1</sup>. The latter has been of concern to the EU since at least January 19, 2012, when the Union first launched the visa-liberalisation dialogue with Kosovo. Although Transparency International's 2018 Corruption Perceptions Index indicated a continued high level of perceived corruption in the public sector in Kosovo<sup>2</sup> and the US Department of State Overseas Security Advisory Council in 2018 reported that Kosovo is a state where the risk of overall criminality, terrorism, and political, economic, religious and ethnic violence is still high<sup>3</sup>. On July 18, 2018, the European Commission confirmed in the 'Report on Progress Made by Kosovo in the Visa Dialogue', that this state had strengthened its track record in the fight against organised crime and corruption. As a result, the EU proposed to the Council of the European Union and the European Parliament to lift visa requirements on the citizens of Kosovo. This decision could be seen as proof that Kosovo has made significant movement in reducing organised crime and corruption.

The aim of this article is to establish whether Kosovo really has made progress in these areas and, if so, what impact the dialogue has had on it.

## 2 The outline of relations between the EU and Kosovo

● The EU has been engaged in Kosovo's post-conflict transformation since June 1999. After the NATO intervention the former Yugo-

1 K. Pawłowski, *Państwowość Kosowa. Geneza, uwarunkowania, współczesność*, Lublin 2018, pp. 324-326.

2 Transparency International, *Corruption Perceptions Index 2018*, <http://www.transparency.org/cpi2018> [04.07.2019].

3 Overseas Security Advisory Council, *Kosovo 2018 Crime & Safety Report*, <https://www.osac.gov/Content/Report/59a28c14-7777-4ae9-9e4a-15f4ae534ceb> [10.07.2019].

slavia ended<sup>4</sup> and backed by UN Security Council Resolution 1244<sup>5</sup>, Kosovo was put under the protectorate of the UN Interim Administration Mission in Kosovo (UNMIK). The UNMIK consisted of four pillars. The European Union was responsible for one of them, 'Reconstruction and Economic Development'<sup>6</sup>. At the time, support for Kosovo was also provided by the European Agency for Reconstruction (EAR), the Commission's European Community Humanitarian Office (ECHO) and contributions from EU member states. According to official data, since 1999, Kosovo has received more than €2.3 billion in EU assistance<sup>7</sup>.

While in 2004 the EU established the European Union Liaison Office in Kosovo, the purpose of which was to promote closer ties between the EU and Kosovo, the raising of political relations between the EU and Kosovo took place after February 4, 2008. On that day, the Council of the European Union adopted the 'Joint Action on the EU Rule of Law Mission in Kosovo' (EULEX)<sup>8</sup>. That meant that the EU would strengthen its presence in Kosovo after a declaration of independence was made, which happened on February 17, 2008. A year later, 22 EU member states recognised Kosovo as an independent state<sup>9</sup>. Bilateral relations between the EU and Kosovo has indeed deepened since December 9, 2008, when EULEX entered into its operational phase<sup>10</sup>.

4 See A.H. Kassof, L. Plaks (eds), *Catastrophe in the Balkans: Serbia's Neighbors and the Kosovo Conflict*, Princeton, New Jersey 1999.

5 *United Nations Security Council Resolution 1244 (1999)*, S/RES/1244 (1999), 10.06.1999, <https://peacemaker.un.org/kosovo-resolution1244> [04.07.2019].

6 *Article 43 of the Report of the Secretary-General on the United Nations Interim Administration Mission in Kosovo*, S/1999/779, 12.07.1999, <https://www.securitycouncilreport.org/un-documents/document/Kos-S1999-779.php> [04.07.2019].

7 European Union Office in Kosovo/European Union Special Representative in Kosovo, *Kosovo and the EU. An overview of relations between the EU and Kosovo*, 2016, [https://eeas.europa.eu/delegations/kosovo\\_en/1387/Kosovo%20and%20the%20EU](https://eeas.europa.eu/delegations/kosovo_en/1387/Kosovo%20and%20the%20EU) [04.07.2019].

8 *Council Joint Action on the European Union Rule of Law Mission in Kosovo*, EULEX Kosovo, 2008, <https://www.eumonitor.nl/9353000/1/j9vvik7m1c3gyxp/vi7jgt7sfstm> [04.07.2019].

9 In 2008, the European Union consisted of 27 member states. Only five of them, i.e., Cyprus, Greece, Romania, Slovakia, and Spain, decided not to recognise Kosovo. See S. Economides, J. Ker-Lindsay, D. Papadimitriou, *Kosovo: Four Futures, „Survival“* 2010, vol. 52, no. 5, p. 99.

10 On December 9, 2008, UNMIK personnel ceased operational activities in all fields in which EULEX would be assuming its enhanced role. In the next six months, 90% of UNMIK's personnel departed from Kosovo. On April 6, 2009, the EULEX gained full operational capacity. See D. Harland, *Kosovo and the UN, „Survival“* 2010, vol. 52, no. 5, p. 92.

In 2009, the EU Office in Kosovo was created<sup>11</sup>. The development of relations between Kosovo and the EU was led by Skënder Hyseni, Kosovo's foreign minister, who predicted that by 2020 the state would become a member of the European Union<sup>12</sup>. Even though this prediction was considered by the international community as far-fetched, the EU has been continuing cooperation with Kosovo in other areas.

Simultaneous with actions taken by the EULEX in the fulfilment of its mandate, the EU commenced in 2012 the dialogue on visa liberalisation with Kosovo and, in 2013, negotiations on a Stabilisation and Association Agreement (SAA)<sup>13</sup>.

### **3. The history of the visa-liberalisation dialogue between the EU and Kosovo**

The EU made a political commitment to liberalise the short-term visa regime for the Western Balkans as part of its 'Thessaloniki agenda', announced on June 16, 2003. On December 10, 2007, the Council reaffirmed its commitment to the Thessaloniki agenda and invited the Commission to further explore possibilities to promote contacts with the Western Balkans<sup>14</sup>. One month later, the Commission started a dialogue on visa liberalisation with the Western Balkans countries. The Council reviewed the issue and planned the preparation of detailed roadmaps for each country, that could benefit from short-term visa liberalisation. North Macedonia, Montenegro, and Serbia were granted visa-free travel to the Schengen countries in 2009, whereas

11 After the Lisbon Treaty entered into force, the European Commission Liaison Office, jointly with the European Union Special Representative mandate became the European Union Office in Kosovo.

12 A. Rettman, E. Krasniqi, *Kosovo optimistic on EU prospects two years after independence*, EUobserver, 17.02.2010, <https://euobserver.com/enlargement/29492> [04.07.2019].

13 The goal of the Stabilisation and Association Agreement is to implement the Stabilisation and Association Process, which was held in 1999 and is the EU's policy towards the Western Balkans. The negotiations for SAA between Kosovo and the EU was started on October 28, 2013. The SAA was signed by both parties on October 27, 2015, and it was adopted by the Government of the Republic of Kosovo on October 30, 2015. This document went into force on April 1, 2016. See European Neighbourhood policy and Enlargement Negotiations, *Stabilisation and Association Agreement*, [https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/saa\\_en](https://ec.europa.eu/neighbourhood-enlargement/policy/glossary/terms/saa_en) [04.07.2019]; The Ministry of European Integration of the Republic of Kosovo, *Stabilisation and Association Agreement*, <https://www.mei-ks.net/en/stabilization-association-brprocess-> [04.07.2019].

14 *European Stability Initiative*, <https://www.esiweb.org/index.php?lang=en&id=350> [08.07.2019].

Albania and Bosnia and Herzegovina in 2010. Therefore, Kosovo remained the only state in the Western Balkans without a visa-free regime with the EU<sup>15</sup>.

In 2009, the Council underlined that Kosovo should also benefit from the prospect of eventual visa liberalisation once all the conditions are met. This body reaffirmed this position in 2010 and 2011. In December 2011, the Commission emphasized that the visa dialogue would be launched without prejudice to the member states' position on Kosovo's status<sup>16</sup>.

The Commission has always insisted on sufficient progress in re-admission and reintegration as necessary elements to be put in place before launching the visa-liberalisation dialogue with Kosovo. The Justice and Home Affairs Council discussed on December 13, 2011, the state of Kosovo's progress in readmission and reintegration. This progress had a huge impact on the Commission's decision to launch the dialogue with Kosovo on January 19, 2012. On June 14, 2012, the European Commission handed over to Kosovo's government a 'Roadmap towards a visa-free regime'<sup>17</sup>. This roadmap includes 95 requirements structured in blocks, such as 'Readmission and Reintegration', 'Document Security', 'Border and Migration Management', 'Security and Public Order', and 'Freedom of Movement and Fundamental Rights'<sup>18</sup>. All these blocks also include specific criteria<sup>19</sup>.

The Commission underlined that in the framework of the visa dialogue, Kosovo is requested first to adopt or amend in line with the EU *acquis* the legislation set out in the roadmap. Then, Kosovo should fully implement this legislation and all the measures enumerated in the roadmap<sup>20</sup>. What is more, the Commission claimed that the Council, as well as the EU member states, would be fully associated with

15 UNDP, USAID, *Action Paper on Schengen Visa Refusal Rate in Kosovo. Reducing the Schengen Visa Rejection Rate for Kosovar Citizens*, December 2013, [https://www.mei-ks.net/repository/docs/AP\\_on\\_Visa\\_eng.pdf](https://www.mei-ks.net/repository/docs/AP_on_Visa_eng.pdf) [04.07.2019].

16 Ibidem.

17 Ibidem.

18 Republic of Kosovo, Ministry of European Integration, *Visa Liberalisation Roadmap*, <http://mei-ks.net/en/visa-liberalization-roadmap> [10.07.2019].

19 See European Union External Action, *Visa Liberalisation with Kosovo. Roadmap*, [https://eeas.europa.eu/headquarters/headquarters-homepage\\_km/7209/Roadmap-%20Visa%20Liberalisation%20with%20Kosovo](https://eeas.europa.eu/headquarters/headquarters-homepage_km/7209/Roadmap-%20Visa%20Liberalisation%20with%20Kosovo) [10.07.2019].

20 Ibidem.

each step of the dialogue. Moreover, the Commission stressed that regular reports detailing the assessment of Kosovo's fulfilment of the requirements set out in this roadmap would be presented to the Council, member states, and the European Parliament<sup>21</sup>. Based on these documents, discussion in the Council could be set up. To resolve the doubts of the Kosovo authorities, the Commission reiterated that the visa-liberalisation dialogue would be conducted without prejudice to the member states' positions on the status of Kosovo and that the EU-LEX would play a crucial role in monitoring, mentoring, and advising Kosovo's institutions on adopting and implementing the reforms and fulfilling the requirements set out in the roadmap.

## **4. Reports on the progress made by Kosovo in the visa-liberalisation dialogue**

As mentioned above, the roadmap that was handed over to Kosovo's government by the Commission included the 'Security and Public Order' block. It contains requirements related to preventing and combating organised crime, corruption, and terrorism (See Table 1).

Most of the above-mentioned 15 requirements for preventing and combating organised crime, corruption, and terrorism are connected to the adoption and implementation of specific legislation, strategies, action plans, and mechanisms in this field. In addition, Kosovo also should strengthen the functioning of institutions responsible for fighting organised crime, corruption and terrorism, such as police, the judicial authorities, and prosecutorial service. The Commission also asked the government of Kosovo to establish a reliable criminal records database and enhance the effectiveness of its anti-corruption agency, as well as to conduct training programmes on countering corruption and organised crime.

The fulfilment of these requirements were the subjects of regular analysis. On February 8, 2013, the Commission adopted the first 'Report on progress made by Kosovo in the visa dialogue'. It did not include the number of requirements that Kosovo had fulfilled; however,

21 Ibidem.

**Table 1. Requirements related to preventing and combating organised crime, corruption and terrorism contained in the block *Security and Public Order* of the 'Roadmap towards a visa-free regime'**

Record number	Requirements set out in the 'Roadmap towards a visa-free regime'
1.	Adoption and implementation of legislation on the prevention, investigation, prosecution and adjudication of organised crime and corruption, including money laundering, economic, financial crime, asset confiscation, recovery, terrorist financing, in accordance with the EU <i>acquis</i> , ensuring that amendments to this legislation are reflected in the criminal code.
2.	Adoption and implementation of legislation on the prevention, investigation, and prosecution of trafficking in human beings, including the sexual exploitation of children, in accordance with the EU <i>acquis</i> (...).
3.	Adoption and implementation of legislation on the prevention, investigation, and prosecution of trafficking in drugs and precursors, in line with the EU <i>acquis</i> (...).
4.	Implementation of strategies and action plans in the fight against organized crime, corruption, trafficking in human beings, trafficking in drugs and precursors, counter-terrorism, crime prevention, and trafficking in weapons (...).
5.	Conducting proactive investigations of inexplicable wealth, establishing a sound anti-money laundering system and developing and implementing a solid system of asset confiscation and management.
6.	Strengthening the capacity of the police and the unit responsible for financial intelligence to conduct in an effective and impartial manner complex investigations of organised crime and corruption (...).
7.	Strengthening the capacity of the police to detect and investigate, prosecutors to prosecute and judges to adjudicate, in an impartial and effective manner, complex cases of organised crime, corruption, economic and financial crime, and terrorism, establishing a track record of investigations and final court rulings in cases concerning crime and corruption (...).
8.	Improving coordination, cooperation, and the exchange of information and criminal intelligence between law enforcement and judicial authorities, notably the police and the prosecutorial service, to improve Kosovo's track record in investigating and prosecuting cases of organised crime and corruption, economic and financial crime, and terrorism.
9.	Implementation of the existing legislation on witness protection and strengthening the capacity of the police to establish and operate a witness protection programme.
10.	Establishment of reliable criminal records database, including on the basis of mutual legal assistance in criminal matters.
11.	Ensuring the effective and efficient enforcement of court decisions.
12.	Establishment of effective mechanisms for the prevention of corruption and for the identification and follow-up of corruption risks (...).
13.	Enhancing the effectiveness of the anti-corruption agency.
14.	Conducting training programs on anti-corruption and organized crime and establishment ethical code for public officials involved in investigating, prosecuting and adjudicating cases of organized crime and corruption.
15.	Compiling and sharing in a timely manner with the competent authorities of member states, the Commission and EULEX detailed statistics on the investigation, prosecution and adjudication of cases of organised crime, corruption, and terrorism.

Source: Own elaboration based on *Visa Liberalisation with Kosovo. Roadmap*, European Union External Action, [https://eeas.europa.eu/headquarters/headquarters-homepage\\_km/7209/Roadmap-%20Visa%20Liberalisation%20with%20Kosovo](https://eeas.europa.eu/headquarters/headquarters-homepage_km/7209/Roadmap-%20Visa%20Liberalisation%20with%20Kosovo) [10.07.2019].



the Commission shed some light on the progress, enumerating which requirements should still be fulfilled and in which blocks.

In the report, the Commission also urged the authorities of Kosovo to take appropriate actions in the area of preventing and combating organised crime, corruption, and terrorism. From the Commission's point of view, Kosovo's capacity to fight organised crime and corruption was still limited and that could have a potentially severe impact on the EU's internal security<sup>22</sup>. The report contained 19 recommendations<sup>23</sup>. The Commission pointed out that Kosovo should: implement the reform of the criminal justice system in a way that improves the independence, effectiveness, accountability, and impartiality of the judiciary, prevents political interference in the investigation, prosecution, and adjudication of crimes, reduces the backlog of pending court cases, clarifies both the provisions of the criminal code concerning corruption cases and provisions of the code of criminal procedure, and implements all strategies and action plans in the area of public security and order<sup>24</sup>. What is more, Kosovo was asked to draft a law on human trafficking, implement a law on public procurement, adopt the draft law establishing extended powers for the confiscation of assets, adopt secondary legislation necessary for implementing the law on the police and the law on the police inspectorate, and adopt secondary legislation necessary for the law on witness protection<sup>25</sup>. The Commission once again stressed that Kosovo should establish a track record of investigations, prosecutions, and final court rulings in cases concerning organised crime and corruption and consider conducting a general review of the functioning of the restricted criminal justice system in the second half of 2013<sup>26</sup>. Taking into account these 19 requirements, it is clear that during the first eight months of the roadmap, this state had not taken further steps to fulfil the requirements included in the block 'Security and Public Order'.

22 European Commission, Press Release Database, *First Commission Report on Progress by Kosovo Towards Visa Liberalisation*, Brussels, 12.02.2013, [http://europa.eu/rapid/press-release\\_IP-13-108\\_en.htm](http://europa.eu/rapid/press-release_IP-13-108_en.htm) [11.07.2019].

23 *Report from the Commission to the European Parliament and the Council on progress by Kosovo\* in fulfilling the requirements of the visa liberalization roadmap*, Brussels, 08.02.2013.

24 *Ibidem*.

25 *Ibidem*.

26 *Ibidem*.

The second 'Report on progress made by Kosovo in the visa dialogue', adopted by the Commission on July 24, 2014, contained 20 requirements connected with security and public order<sup>27</sup>. This report also did not include the exact number of requirements that Kosovo had already fulfilled. In this report, the Commission again emphasized the need for Kosovo to reduce the backlog of pending court cases, develop a criminal record information system and establish a track record of final court rulings in cases concerning human trafficking, arms trafficking, drug trafficking, corruption, public procurement and money laundering, with criminal penalties executed and criminal assets recovered<sup>28</sup>. The Commission also asked Kosovo's government to ensure that vacancies in the Kosovo Judicial Court and Kosovo Prosecutorial Council will be filled, develop the independence of the judiciary by harmonising the four core laws that entered into force in January 2013<sup>29</sup>, consider reviewing the Law on Procurement to ensure the appropriate functioning of the Procurement Review Body<sup>30</sup>. The Commission also noticed some deficiency in combating organised crime, especially related to human trafficking. As a result, the Commission claimed that Kosovo should develop an integrated case-management system allowing the tracking of criminal cases from investigation, through prosecution and conviction, to asset recovery, as well as improve the exchange of information between law enforcement and judicial authorities in intelligence-led policing, maintain capacity in the field of witness protection in terms of financing and staffing, and integrate financial investigations into all investigations of organised crime and corruption. The Commission also noted that Kosovo should still carry on with cooperation with some institutions, such as the EUROPOL and INTERPOL and develop cooperation with EUROJUST<sup>31</sup>. This state was also asked to conclude further law-enforcement cooperation agreements and strengthen operational cooperation with neighbour-

27 *Report from the Commission to the European Parliament and the Council. Second report on progress by Kosovo\* in fulfilling the requirements of the visa liberalisation roadmap*, Brussels, 24.07.2014.

28 *Ibidem*.

29 These laws included criteria for appointing or dismissing judges and prosecutors, *ibidem*.

30 *Ibidem*.

31 *Ibidem*.

ing countries and EU member states<sup>32</sup>. In addition, the Commission was also concerned about data security and data protection in Kosovo.

The report showed that Kosovo, two years after the obtainment of the roadmap still need to do a lot to fulfil the requirements related to combating organised crime and corruption.

The third 'Report on progress made by Kosovo in the visa dialogue', adopted by the Commission on December 18, 2015, included for the first time the number of requirements that Kosovo had fulfilled to that point. According to the report, Kosovo had achieved 87 out of 95 requirements listed in the roadmap<sup>33</sup>. The Commission emphasized that 12 out of 15 requirements in the area of combating organised crime, corruption, and terrorism had been fulfilled. In the Commission's opinion, to fully comply with requirements in this area, the government of Kosovo should transfer a sufficient number of judges, along with appropriate support staff, to relevant departments across the country's courts. In addition, the government should build up a track record of investigations, final court rulings, and confiscations in serious organised crime and corruption cases<sup>34</sup> and ensure the operational independence of the Public Procurement Review Body, as well as the Public Procurement Regulatory Commission. These requirements were a key priority for the Commission<sup>35</sup>.

In the third report, the Commission stressed that the visa dialogue with Kosovo resulted in advancing far-reaching and difficult reforms in the field of Justice and Home Affairs in Kosovo. Moreover, the Commission stated that Kosovo had achieved progress in all areas covered by the visa-liberalisation roadmap, which had been steady and effective. However, as the Commission considered this report the final one, it decided to monitor the implementation of the last eight require-

32 Ibidem.

33 The last eight requirements applied to the categories such as: reintegration, document security, border/boundary requirements, asylum, combating organised crime, corruption and terrorism, fundamental rights related to the freedom of movement. *Report from the Commission to the European Parliament and the Council. Third report on progress by Kosovo\* in fulfilling the requirements of the visa liberalisation roadmap*, Brussels, 18.12.2015.

34 The Commission advised Kosovo's government to do so by endowing the central coordinators for serious organised crime and corruption cases with the mandate and resources to lead multidisciplinary teams of financial investigators and to monitor the judicial follow-up of such cases, *ibidem*.

35 Ibidem.

ments and after they had been adopted and implemented, to continue the procedure to lift visa requirements on the citizens of Kosovo.

On May 4, 2016, the Commission adopted a 'Proposal to the Council of the European Union and the European Parliament to lift the visa requirements for the people of Kosovo' by transferring Kosovo to the visa-free list for short stays in the Schengen area. The proposal was presented together with the Commission's positive assessment confirming that Kosovo had fulfilled the requirements of its visa-liberalisation roadmap<sup>36</sup>. However, the Commission also underlined that by the day of adoption of this proposal by the Parliament and the Council, Kosovo will have ratified the border/boundary agreement with Montenegro and strengthened its track record in the fight against organised crime and corruption<sup>37</sup>.

The lack of a ratified border/boundary agreement with Montenegro<sup>38</sup> led the European Parliament to decide to postpone the voting on lifting the visa requirements for Kosovo. Since May 2016, the actions taken by Kosovo's government in relation to ratifying the border/boundary agreement with Montenegro and strengthening its track record in the fight against organised crime and corruption has been monitored.

On May 3-4, 2018, a technical mission to Kosovo was sent, with the aim to assess the progress that Kosovo had made in the area of combating organised crime and corruption. As a result, the Commission confirmed that Kosovo's authorities had established and strengthened a steady track record of investigations and final court rulings in cases concerning organised crime and corruption. Taking into account that on March 21, 2018, the Kosovo Assembly had voted for a border demarcation agreement with Montenegro, the Commission on July

36 Report from the Commission to the European Parliament and the Council. Fourth report on progress by Kosovo\* in fulfilling the requirements of the visa liberalisation roadmap, Brussels, 04.05.2016.

37 European Commission, Press Release Database, *European Commission Proposes Visa-free Travel for the People of Kosovo*, Brussels, 04.05.2016, [http://europa.eu/rapid/press-release\\_IP-16-1626\\_en.htm](http://europa.eu/rapid/press-release_IP-16-1626_en.htm) [15.07.2019].

38 The border deal signed by Kosovo and Montenegro in 2015 caused a stir and a severe political crisis in Kosovo, releasing tear gas in parliament and angry protesters clashing with the police in the street. See F. Bytyci, *Kosovo and Montenegro reach deal on 2015 border agreement*, Reuters, 16.02.2018, <https://www.reuters.com/article/us-kosovo-montenegro-border/kosovo-and-montenegro-reach-deal-on-2015-border-agreement-idUSKCN1G01HA> [15.07.2019].

18, 2018, confirmed that Kosovo fulfilled all required benchmarks<sup>39</sup>. Since that time, the Commission's proposal from May 4, 2016, to lift the visa requirements for Kosovo citizens must be adopted by the Parliament and Council.

**5. The level of organised crime and corruption in Kosovo** Although Kosovo has put a lot of effort into fulfilling all the requirements enumerated in the 'Roadmap towards a visa-free regime', the state is still perceived as a small, isolated country that needs to improve its fight against organised crime and corruption.

In fact, according to Bajram Ibraj, in 2008-2015, 33% of the crimes in Kosovo were connected to corruption, 19% concerned drug trafficking, and 12%, money-laundering<sup>40</sup>. The other categories of crime include weapons trafficking (9%), smuggling of migrants (8%), and human trafficking (7%)<sup>41</sup>. What is more, since 2012, when the EU started the visa-liberalisation dialogue with Kosovo, an increase in drug trafficking through this state was noted (See Figure 1).

In 2012, the number of cases related to drug trafficking was 153, but by 2016 this number had risen to 198<sup>42</sup>. In addition, the number of new cases related to human trafficking increased from 130 in 2017 to 138 in 2018<sup>43</sup>.

According to the 'Annual Report of the Kosovo Police', in 2018, within the framework of police activity connected with the prevention and fight against organised crime, serious crime, economic crime and corruption, terrorism, violent extremism and radicalism, a total of 2,914 cases were processed<sup>44</sup>. In 2017, the number of cases in relation to these crimes totalled 2,542. Therefore, the total number of these

39 European Commission, Press Release Database, *Visa Liberalisation: Commission Confirms Kosovo Fulfils All Required Benchmarks*, Brussels, 18.07.2018, [http://europa.eu/rapid/press-release\\_IP-18-4562\\_en.htm](http://europa.eu/rapid/press-release_IP-18-4562_en.htm) [15.07.2019].

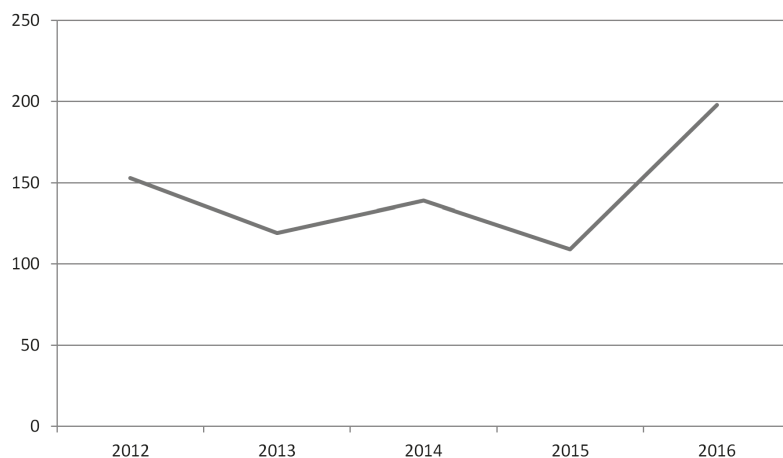
40 B. Ibraj, *Cooperation Between Albania and Kosovo and Its Impact in Strengthening the Rule of Law Against Transnational Organised Crime*, 2008-2015, „European Journal of Interdisciplinary Studies” 2016, vol. 2, no. 4, p. 88.

41 Ibidem.

42 Council of the European Union, *Regional Report on the Western Balkans*, Brussels, 09.11.2017.

43 Republic of Kosovo, Ministry of Internal Affairs, *Annual Report 2017*, p. 10; Republic of Kosovo, Ministry of Internal Affairs, *Kosovo Police Annual Work Report 2018*, pp. 9-10.

44 Ibidem.

**Figure 1. Drug trafficking statistics in the Western Balkans, 2012-2016**

Source: Own elaboration based on the *Regional Report on the Western Balkans*, Council of the European Union, Brussels, 09.11.2017.

crimes between 2017 and 2018 increased by 14.6%. Furthermore, according to the annually published 'Kosovo Crime and Safety Reports', since 2016, this country has a high levels of overall crime, political, economic, religious and ethnic violence, as well as terrorism<sup>45</sup>.

In the 'Annual Report of the Kosovo Police', it was also stated that, in relation to combating economic crime, corruption, and illegal wealth, 533 cases were investigated in 2018 and 607 in 2017. In short, the number of investigations connected with these kinds of crimes decreased in 2018 by 13.8%. Even though this decrease has been noted, Kosovo still scored only 37 points out of 100 in the 2018 Corruption Perceptions Index published by Transparency International (where 100 is the most transparent and 0 the most corrupt). That meant Kosovo was ranked 93<sup>rd</sup> out of the 180 countries investigated. Taking into account that in 2017, Kosovo was listed at 39 points and ranked 85<sup>th</sup> out of 180 countries investigated, it is evident that in relation to this country, the per-

45 Overseas Security Advisory Council, *Kosovo 2018 Crime & Safety Report*, <https://www.osac.gov/Content/Report/59a28c14-7777-4ae9-9e4a-15f4ae534ceb> [10.07.2019]; Overseas Security Advisory Council, *Kosovo 2017 Crime & Safety Report*, <https://www.osac.gov/Content/Report/1b46b064-08b1-4f93-889a-15f4ae020b1e> [10.07.2019]; Overseas Security Advisory Council, *Kosovo 2016 Crime & Safety Report*, <https://www.osac.gov/Content/Report/daaff3b6-a600-4729-b74a-15f4adb6408b> [10.07.2019].

ception of corruption has worsened<sup>46</sup>. Moreover, in 2019, the Balkan Investigative Reporting Network (BIRN), which monitors courts and prosecutors in Kosovo, published a report on the fight against corruption in the country. According to the report, courts and prosecutors failed in tackling corruption cases in 2018. The BIRN showed that there was a fall in the number of resolved cases, in verdicts that imposed effective prison sentences, and in verdicts that imposed fines or parole sentences. The BIRN also showed that there was an evident increase in acquittals and cases dropped<sup>47</sup>.

## 6 Conclusion

Undoubtedly, since 2012, Kosovo has done a lot to fulfil the requirements included in the 'Roadmap towards a visa-free regime'. Year after year, the progress was monitored by the Commission and the reports indicated that indeed Kosovo, little by little, has been implementing the requirements enumerated in the block 'Security and Public Order'. However, one thing is to fulfil the requirements concerning combating organised crime and corruption, the other is to reduce the indicators associated with these crimes.

According to the reports by the Commission, Kosovo has made progress especially in adopting and implementing appropriate legislation, strategies, action plans, and mechanisms in the field of security and public order, as well as strengthened the functioning of institutions responsible for combating organised crime, corruption, and terrorism. Nonetheless, the level of reform in the field of justice was not enough to reduce the indicators of organised crime and corruption. To sum up, the visa-liberalisation dialogue between the EU and Ko-

<sup>46</sup> The Corruption Perceptions Index measures corruption through examining perceptions of experts and business executives on how well countries secure the rights of individuals and press to freedom of expression, governmental and commercial transparency, and protection of civil-society organisations. See Trading Economics, *Kosovo Corruption Index*, <https://tradingeconomics.com/kosovo/corruption-index> [16.07.2019].

<sup>47</sup> The BIRN monitored 520 court hearings and on the basis of them, the report has been created. See B. Begisholli, *Kosovo's Anti-Corruption Efforts Inadequate, BIRN Report Says*, Balkan Insight, 23.05.2019, <https://balkaninsight.com/2019/05/23/kosovos-anti-corruption-efforts-inadequate-birn-report-says/> [16.07.2019].

sovo has had an impact on reforming the judicial system but has had no impact on reducing organised crime and corruption in the state.

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