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NOTE

From: Commission Services
To: Delegations

Subject: Operationalization of the Pact – Action plans for strengthening
comprehensive migration partnerships with priority countries of origin and
transit
Draft Action Plan: Bosnia and Herzegovina

Delegations will find attached a draft action plan for Bosnia and Herzegovina prepared by the Commission Services.

The Commission would very much appreciate that the text of the draft action plan be handled with discretion.

Action Plan: Bosnia and Herzegovina

<p>Overall EU Objectives – Lines to Take</p>
<ul style="list-style-type: none"> • Bosnia and Herzegovina is a potential candidate for EU accession. The EU is committed to supporting Bosnia and Herzegovina and the key EU objective is to ensure that the country progressively aligns its standards and legislation with the EU <i>acquis</i> and increases its administrative capacities in order to prepare for EU accession. • On the basis of the Commission’s Opinion, the EU Council endorsed in 2019 the 14 key priorities the country needs to fulfil to open EU accession negotiations. These cover a number of issues including democracy/functionality, the rule of law, fundamental rights, and public administration reform. Under key priority 8, Bosnia and Herzegovina needs to ensure effective coordination, at all levels, of border management and migration management capacity, and ensure the functioning of the asylum system. • The EU encourages Bosnia and Herzegovina to work towards long-term, sustainable solutions for managing migration, which require ownership and sharing of responsibility at all levels of government and across the country. The Stabilisation and Association Process calls for ‘promoting regional cooperation’ to meet the challenges facing the region, an approach that is key to migration management in the Western Balkans. • It is essential to prevent a repetition of a humanitarian crisis during the upcoming winter and the EU counts on Bosnia and Herzegovina to honour its obligations and commitments.
<p>Goals for managing migration and addressing forced displacement – Lines to Take</p>
<ul style="list-style-type: none"> • The EU and its agencies aim to support Bosnia and Herzegovina in building its ability to manage migration, in particular by reinforcing the asylum system and reception capacities, enhancing border management, countering irregular migration, improving the legal framework and operational capacities for return (including in the framework of the recently signed readmission agreement with Pakistan), and fighting migrant smuggling and trafficking of human beings. The EU will continue to provide essential humanitarian assistance (including food and non-food items, water, sanitation, health care) to all persons in need and ensure the protection of unaccompanied minors. • The EU calls upon Bosnia and Herzegovina to swiftly establish a sustainable migration and asylum system, based on a comprehensive migration and asylum strategy, which ensures the respect of the EU <i>acquis</i> and international standards, and treat migrants humanely. These efforts should include improved coordination between the responsible authorities at state, entity, cantonal, and municipal level.
<p>Protection and support to host countries</p> <ul style="list-style-type: none"> • The EU urges Bosnia and Herzegovina to ensure sufficient accommodation capacity up to international standards to all refugees and migrants and avert a new humanitarian crisis in the winter season, making full use of the existing capacities, without further unlawful closures of reception centres in the absence of viable alternative accommodation options. In this context, the EU urges Bosnia and Herzegovina to complete the works for a new multipurpose reception facility in Lipa as a matter of priority.

- Bosnia and Herzegovina should assume the management of reception centres and identify suitable locations for further facilities across the whole territory, in particular near points of entry. Fair burden sharing between all entities and cantons is needed.
- The EU calls upon Bosnia and Herzegovina to facilitate humanitarian access to refugees and migrants outside Temporary Reception Centres.
- Bosnia and Herzegovina should with EU support continue to consolidate its asylum system. The EU urges Bosnia and Herzegovina to ensure effective access to the asylum procedure, establish sufficient administrative capacities for this, and respect procedural guarantees. Arbitrary limitations to the human rights of foreigners, including restrictions of movement introduced before and during the pandemic, should be removed, and the respect of the *non-refoulement* principle should be ensured.
- The EU encourages Bosnia and Herzegovina to implement the roadmap on cooperation with EASO on strengthening the asylum and reception systems, and to strengthen overall cooperation with EASO.

Migration governance and management

- The EU urges Bosnia and Herzegovina to ensure the registration and identification of migrants, and improve border management. Concerning the former, technical capacity should be developed in line with Eurodac specifications in order to ensure future interoperability and compatibility with any future EU systems.
- Bosnia and Herzegovina should strengthen the Joint Risk Analysis Centre, and ensure full and constructive inter-agency cooperation between all levels of government.
- The EU urges Bosnia and Herzegovina to swiftly sign and ratify the European Border and Coast Guard (EBCG) Status Agreement, initialled in January 2019 as a matter of priority. The ensuing deployment of a Frontex joint operation at the border with Croatia would help address common migration and security challenges.
- Combined efforts resulted in higher detection rates of human smuggling and trafficking in Bosnia and Herzegovina in 2020, and this issue should remain a priority. Bosnia and Herzegovina is encouraged to establish an EMPACT coordinator and strengthen cooperation with EU Member States and neighbouring countries to dismantle organised smuggling networks. The law enforcement authorities are invited to make use of regional initiatives, such as the joint operational office in Vienna. Cooperation with Europol's European Migrant Smuggling Centre should improve in data exchange and agencies' participation.
- The EU is committed to continue supporting the authorities in managing the consequences of increased arrivals of migrants and refugees since early 2018, including the reception system, and to ensure its preparedness to respond to changing geopolitical circumstances. The EU contributes to strengthening administrative capacities, including equipment and training of staff, implementing the Integrated Border Management strategy, upgrading the migration information system, and law enforcement agencies fighting organised crime. An EU senior expert is working directly with the Minister of Security in order to support the establishment and implementation of a proper migration strategy and to help with overall coordination in Bosnia and Herzegovina.

Return, readmission, visa policy

- Bosnia and Herzegovina should strengthen its capacity to return to countries of origin those persons who are not in need of international protection, while ensuring respect for fundamental rights and the principle of *non-refoulement*. Proper examinations of asylum applications in line with EU standards are necessary to achieve this goal.
- The entry into force of a Readmission Agreement with Pakistan in July 2021 and the negotiation of a Readmission Agreement with Bangladesh are positive steps that the EU welcomes. The EU encourages Bosnia and Herzegovina to continue its efforts to

conclude readmission agreements with countries of origin.

- The EU and its Member States have been supporting Assisted Voluntary Return and Readmission through IOM.
- The implementation of the readmission agreements between Bosnia and Herzegovina and EU/Schengen+ countries should be improved.
- As set out in the Commission's 2021 Report under the Visa Suspension Mechanism, Bosnia and Herzegovina is encouraged to ensure further alignment of its visa policy with the EU lists of visa-required third countries, in particular as regards those which present irregular migration or security risks for the EU.

Legal Migration

- Western Balkan partners are identified as potential priorities for Talent Partnerships in the New Pact on Migration and Asylum. The EU is open to discuss with Bosnia and Herzegovina how to ensure the mutually beneficial circulation of talents without causing brain drain, including through programmes such as Erasmus+ and Creative Europe.

Regional cooperation/whole-of-route approach

- The New Pact on Migration and Asylum calls for a tailor-made approach to the Western Balkans partners reflecting both their geographic location and their future as an integral part of the EU.
- Stronger involvement is needed by Bosnia and Herzegovina on regional cooperation in the area of irregular migration, migrant smuggling, readmission and assisted voluntary return.
- Migration challenges on the Eastern Mediterranean/Western Balkans route will only be effectively addressed with a whole-of-route approach, including upstream EU Member States. EU action will use regional programmes where these are best placed to tackle migration and forced displacement, including for increasing information exchange and cooperation for joint actions.
- The EU encourages Bosnia and Herzegovina to participate regularly and constructively in established channels for regional information exchange such as the videoconference on the Western Balkans irregular migration route.

Measures

- **Political engagement:** Under the Stabilisation and Association Agreement, policy dialogue is conducted annually in the joint bodies foreseen by the agreement (Stabilisation and Association Council, Committee and subcommittees), including the Subcommittee on Justice, Freedom and Security (JLS). Regular bilateral high-level visits and meetings take place. In addition, Bosnia and Herzegovina takes part in the EU-Western Balkans Summit, EU-Western Balkans Justice and Home Affairs Ministerial and the EU-Western Balkans Senior Officials Meetings for Western Balkans organised by the Council every year, the Salzburg Forum, the Berlin Process, the Brdo-Brijuni Process, the Silk Route Partnership on migration and the Prague Process. Commission President von der Leyen visited the region at the end of September. The EU Special Representative in Sarajevo engages extensively at the political level, including to strengthen migration, as needed, to ensure timely and proactive response to the needs.
- **Monitoring:** The Commission reports regularly on all matters related to the external dimension of the Pact in its annual enlargement package. The Commission also reports annually on the continued fulfilment of the visa liberalisation requirements by Bosnia and Herzegovina in its visa suspension reports (4th report adopted in August 2021, confirmed that the country continues to meet the necessary benchmarks).
- **Funding activities from EU budget under Multiannual Financial Framework**

2014-2020: EU assistance since 2018 to address migration needs amounts to €89 million (€75.2 million from IPA-II and €13.8 million of humanitarian aid), including €3.3 million for border management (equipment and training). These funds cover the running costs of reception centres, food and non-food items, provision of health, protection and outreach assistance, as well as COVID-19 prevention measures, and the deployment of an EU senior expert to the Ministry of Security to support domestic coordination. Bosnia and Herzegovina also benefited from regional programmes, including a €14.5 million initiative on support to protection-sensitive migration management, and an €8 million project on the impacts of the COVID-19 pandemic on migration. This is in addition to €41 million provided to Bosnia and Herzegovina in the area of asylum, migration and border management since 2007.

- **Future activities from EU budget under Multiannual Financial Framework 2021-2027:** Under the IPA-III instrument, Bosnia and Herzegovina is called upon to adopt sectoral countrywide strategies whose implementation may receive EU financial support. The adoption of a new migration and asylum strategy is pending. Within the IPA 2021 financial envelope, a regional migration programme will support the operational costs of reception centres as well as capacity building. A complementary bilateral programme for Bosnia and Herzegovina can be expected to finance equipment and capacity building for migration management. Other EU instruments, notably the Asylum, Migration and Integration Fund (AMIF), the Border Management and Visa Instrument (BMVI), and the Internal Security Fund (ISF) may under strict conditions provide complementary funding opportunities for the external dimension of migration.
- **Member States' bilateral engagement:** see Annex II.
- **Other support measures:** Bosnia and Herzegovina cooperates with **Frontex**, notably on training on risk analysis methodologies and by taking part in the Western Balkan Risk Analysis Network (WB-RAN) led by Frontex. In December 2020, Bosnia and Herzegovina's Ministry of Security and **EASO** adopted a roadmap on strengthening the asylum and reception systems in line with EU standards, via training, sharing of best practices and expertise and day to day support. Implementation is now the priority.
- The **European Migration Liaison Officer** for the Western Balkans in Belgrade provides information and analysis, including on the migration situation in Bosnia and Herzegovina.
- The **Joint Coordination Platform** established in 2020 by the Austrian Government with the support of some Member States could, in the future, support the efforts of Member States in the region, while the EU Delegations remain the main coordination actors.
- The EU is supporting **other regional processes** such as the Integrative Internal Security Governance (IISG) and the Migration, Asylum and Refugee Regional Initiative (MARRI), where Bosnia and Herzegovina plays an active role.

Timelines for action

A. Next Steps for engagement by EU and by Member States

- October 2021: Publication of the enlargement package, including the 2021 report on Bosnia and Herzegovina, and related visit to the country by Commissioner Várhelyi. [TBC].
- November / December 2021: EU-Bosnia and Herzegovina Stabilisation and Association Committee and Justice, Freedom and Security Subcommittee, to discuss all policy aspects of migration management, also in light of the 2021 enlargement package.
- November 2021: Salzburg Forum Meeting [TBC].
- 2-3 December 2021: EU-Western Balkans Justice and Home Affairs Ministerial Meeting

B. Next steps for funding measures

- **IPA-III:** adoption of framework partnership agreement (December 2021); adoption of Commission Financing Decisions for IPA 2021 actions by the end of 2021. Migration will also be addressed in IPA III actions at regional level.

ANNEX I

Existing EU cooperation and areas of engagement under the New Pact

- Bosnia and Herzegovina is expected to adopt a new strategy and action plan on migration and asylum 2021-2025, with a dedicated budget. Priorities include the need to strengthen border management, the asylum system, both voluntary and non-voluntary return procedures, and the provision of sufficient adequate reception facilities for refugees and migrants, across the country. Improving coordination among authorities, at all levels of government, in the area of migration remains essential.

I. Asylum / international protection

- Bosnia and Herzegovina should further strengthen cooperation with EASO, including via implementation of the joint roadmap (2020-2022) on strengthening the asylum and reception systems in line with the Common European Asylum System and EU standards. The overall objective of the EASO – Bosnia and Herzegovina Roadmap is to enhance the protection space for asylum seekers and refugees in Bosnia and Herzegovina in line with the Common European Asylum System and EU Member States' practices. Relevant activities should contribute to (1) strengthening of asylum related legislation, institutions and systems, (2) effective asylum procedures and (3) effective reception system.

II. Migration governance and management

- In the course of 2021, the EU supported Bosnia and Herzegovina in establishing a multipurpose reception and identification centre in Lipa, near Bihac, which, once fully operational can host up to 1 500 persons.
- Within the EU policy Cycle - EMPACT (*European Multidisciplinary Platform Against Criminal Threats*), Bosnia and Herzegovina participates in various operational actions of the Operational Action Plan 'Facilitation of Illegal Immigration'. This includes actions such as the Joint Operational Office in Vienna, which serves as a regional operational platform for international investigations into migrant-smuggling organised crime groups, or the Operational Action 'Risk', focusing on the smuggling of irregular migrants in concealments through the Western Balkans. In 2020, Bosnia and Herzegovina participated in the EU Policy Cycle / EMPACT Joint Action Days under the fight against cybercrime, illegal arms trafficking, illegal migrations and drug trafficking; participation intensified in the beginning of 2021.
- Under the MFF 2014-2020, the Commission is financing the regional project 'Awareness Raising Campaigns on the Risks of Irregular Migration for the Western Balkans' (€700 000; January 2021 – December 2022). The action will raise awareness of the risks of irregular migration among Afghan, Pakistani, Moroccan, Algerian and Bangladeshi migrants in transit in the Western Balkans *en route* to the European Union by promoting safe, orderly and informed decisions on migration. The project covers also Bosnia and Herzegovina.
- The Commission is also funding a Common Operational Partnership under the MFF 2014-2020 covering Turkey and the Western Balkans (March 2021 until February 2024; budget €1 252 400). The project partners are Germany (coordinator), France and Bulgaria. The project aims to combat criminal organisations smuggling irregular migrants via Turkey along the Western Balkans route, focusing on combating document fraud and concealment in vehicles. Activities include building awareness of the main modus operandi, building up trust, knowledge and skills, and providing support for equipment. The project will build on a Joint Investigation Team between Germany, Bulgaria and Turkey – with the support of Eurojust and Europol – regarding stolen German identity documents.

III. Returns, readmission, reintegration

- Regular Joint Readmission Committees and cooperation with Member States allow best practices to be exchanged with partners in operational and policy terms to help Bosnia and Herzegovina in readmission cooperation with countries of origin.
- IOM manages a regional programme on assisted voluntary return and reintegration in the Western Balkans aimed at assisting migrants to return home based on informed decisions and comprehensive protection of their fundamental rights, and supporting migrants in reintegrating in communities to which they return. Several EU Member States co-fund the programme.

ANNEX II

Member States' bilateral engagement

Austria

Capacity building migration management /Information campaigns

Regional project of implementing partner Hilfswerk International in the Western Balkans, which aims at strengthening migration management capacities and authorities for a duration 12 months until March 2022; Information campaign and capacity building project run by ICMPD for 12 months until March 2022; online Information campaign called “Myths about Migration”; together with DE an EU-funded awareness raising campaign “WBAware” implemented by IOM for 24 months until December 2022.

Asylum capacities

Regional project implemented by UNHCR in the Western Balkans aiming at strengthening the asylum systems for a duration of 12 months until March 2022); supports IOM in establishing the Temporary Reception Centre in Lipa.

Humanitarian Aid

1 million € for IOM (Duration: 01.02.2021-31.08.2021), Austrian Development Aid: SOS Children's villages supported with 300 000 € (ADA).

Czech Republic – In March 2021, CZ contracted IOM to provide basic assistance to migrants and refugees in Bosnia and Herzegovina worth €200 000 from the Ministry of the Interior's programme Aid in Place (project completed in August 2021). This project is followed by a larger project in cooperation with IOM focused on support to Bosnia and Herzegovina's migration system in the field of strengthening voluntary returns and data collection worth €800 000 The project planned for one year started in July 2021 and will contribute to the promotion of durable solutions for refugees and migrants in Bosnia and Herzegovina.

Germany – has financially been supporting the AVRR programme delivered by IOM.

The Netherlands – supports the Balkan Refugee and Migration Council (BRMC), a network of civil society organizations from different countries that work towards a common Western Balkans migration policy through research and advocacy. Moreover, the Dutch Repatriation and Departure Service supports a regional project from IOM on 'Protection Sensitive Migration Management through Assisted Voluntary Return and Reintegration from the Western Balkans' that is also implemented in Bosnia and Herzegovina.

Slovakia – The Migration Office of the Ministry of Interior of the Slovak Republic is about to start a project aimed at providing support to employees in the field of reception in assuring safe and stable conditions for migrants. The set goals will be achieved by the exchange of experience and knowledge in the field of asylum and migration, in the form of study visits and deployment of experts from the Migration Office to Bosnia and Herzegovina for a period of 2 years up until September 2023. The Slovak Republic has also provided Bosnia and Herzegovina with material humanitarian aid, designed to cope with the impacts of migration crises and Covid-19 pandemic. It was sent to the camps Lipa, Bihač on 20 September 2021 for a total of 35 722,76 EUR.

Slovenia – Activities are currently underway to organise a working visit of representatives of the Slovenian uniformed and criminal police to Bosnia and Herzegovina, in response to a request from the minister for personnel assistance. The Slovenian delegation will visit Lipa and Miral refugee centres, as well as the Service for Foreigner's Affairs. The working visit will aim at presenting the way Slovenian police work in the field of migration (interviewing migrants after illegal border crossing, collecting information, processing the collected information, investigating people smuggling, etc.) and exchanging experience between the Slovenian police and the Service for Foreigners' Affairs of Bosnia and Herzegovina.

The work of the Police Attaché at the Embassy in Sarajevo contributes to good cooperation with the security institutions in Bosnia and Herzegovina. Slovenia will continue to cooperate with and provide assistance to the Ministry of Security of Bosnia and Herzegovina in the planning and implementation of activities following the application for EU membership, both in the fight against organised crime and in the area of migration and asylum.

On the initiative of the Ministry of the Interior of the Republic of Slovenia, an informal network of anti-trafficking coordinators from South-Eastern Europe was established at the Brdo Process Ministerial Conference in October 2010. Slovenia also proposed the conclusion of specific protocols on cooperation in the fight against trafficking in human beings and child abuse, covering issues related to the 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. BIH was the first country to respond positively to Slovenia's proposal.

In 2008, the Government of the Republic of Slovenia and the Council of Ministers of Bosnia and Herzegovina signed an agreement on police cooperation.

ANNEX III

Key figures and trends
<p>Irregular migration</p> <ul style="list-style-type: none"> • Refusals of entry of nationals of Bosnia and Herzegovina to the EU: 8 145 in 2020 (compared to 4 245 in 2019) of which 78% in Croatia, 13% in Slovenia, and 5% in Hungary • Irregular stay of nationals of Bosnia and Herzegovina in the EU: 3 595 in 2020 (4 140 in 2019) of which 42% in Germany, 19% in Slovenia and 9% in Hungary
<p>Irregular migration in Bosnia and Herzegovina</p> <ul style="list-style-type: none"> • Detections of illegal border crossings by Bosnia and Herzegovina: 7 264 in 2021 (as of 3 October 2021), compared to 22 912 in the whole of 2020. 47% of these were at the Serbian, 33% at the Croatian and 19% at the Montenegrin border. 12% of the attempts were by Pakistani, 10% by Afghan, and 4% by Bangladeshi nationals • Apprehensions by Bosnia and Herzegovina of migrants irregularly present: 13 294 in 2021 (as of 3 October), compared to 16 171 in the whole of 2020. 32% of these were of Afghan, 31% of Pakistani and 17% of Bangladeshi origin
<p>Return</p> <ul style="list-style-type: none"> • Nationals of Bosnia and Herzegovina ordered to leave the EU: 2 710 in 2020 (3 605 in 2019) of which 680 from Croatia, 490 from Germany and 470 from France • Return rate: 34% in 2020, 41% in 2019. Fluctuations in return rates in recent years are not the result of underperformance in cooperation, which remains good, but rather of the processing of backlog cases • Highest return rate in 2020: 43% in Germany, 36% in Croatia, 8.5% in France
<p>Asylum</p> <ul style="list-style-type: none"> • First time asylum applications by nationals of Bosnia and Herzegovina: 1 030 in 2020 (1 570 in 2019), of which 62% in France, 26% in Germany, 3% in Italy and Sweden • First instance asylum decisions: 1 350 in 2020 and 1 645 in 2019 • EU recognition rate: 2.2% in 2020 (5.1% in 2019) • EU recognition rate incl. humanitarian protection: 4% in 2020 and 6.7% in 2019)
<p>Asylum/International Protection in Bosnia-Herzegovina and hosting forcibly displaced</p> <ul style="list-style-type: none"> • Third-country nationals expressing the intention to claim asylum in Bosnia and Herzegovina: 12 495 in 2021 (as of 3 October 2021), compared to 15 162 in the entire 2020. The most frequent nationals are nationals of Afghanistan, Pakistan and Bangladesh. Only 94 complete asylum claims were registered, compared to 244 in the whole of 2020 • Asylum decisions: In 2020, one person was granted refugee status, 31 persons were

granted subsidiary protection, 54 individual applications were rejected on merit, and applications of 546 persons were closed

- Bosnia and Herzegovina hosts around 100 000 refugees and internally displaced persons following the war in the 1990s, of which 5 792 still live in collective centres and alternative accommodation

Legal migration

- First time residence permits (2020): 35 100 in 2020, of which 11 600 in Croatia, 9 000 in Germany and 8 500 in Slovenia. 52% of permits were issued for remunerated activities in an EU Member State and 37% for family reasons. 56 300 in 2019, of which 18 300 in Croatia, 15 100 in Germany, and 14 900 in Slovenia.
- Total valid residence permits (2019): 445 000 in 2019 of which 176 000 in Germany, 96 000 in Austria, and 86 000 in Slovenia. No available data for 2020

Visas

- Bosnia and Herzegovina benefits from visa liberalisation since 2010
