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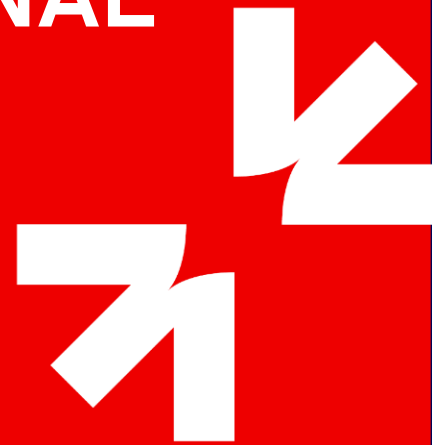
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# POLICY MEMO: WHY IS KOSOVO STILL OUTSIDE EUROPOL'S OPERATIONAL FRAMEWORK

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Cooperation between Kosovo Police and Europol is currently governed by a 2020 Working Arrangement, which allows for strategic cooperation, SIENA exchanges, and liaison officer deployment, but prohibits the exchange of personal data. Regulation (EU) 2016/794, as amended in 2022, provides Europol with legal options to enhance cooperation with third countries that meet appropriate safeguards. European Commission reports show that Kosovo Police has significantly increased operational engagement with Europol, including a six-fold increase in SIENA exchanges since 2022 and active participation in EMPACT actions. However, Kosovo remains the only Western Balkan partner without an operational agreement, creating a structural gap in the EU's security framework. Advancing cooperation would formalise current practices, strengthen regional coherence, and improve the EU's ability to combat cross-border crime and promote rule of law standards.





## INTRODUCTION

The current cooperation between Kosovo Police and Europol is legally based in a *Working Arrangement* signed in July 2020. The Working Arrangement establishes a national contact point within Kosovo institutions for exchanges with Europol, requires the capacity for information exchange on a 24-hour basis, and foresees that liaison officers may be seconded, with their detailed modalities governed by a separate instrument. It also anticipates the establishment of a secure communication line to be regulated via a Memorandum of Understanding.

However, the Working Arrangement also includes some limitations, such as lack of legal basis for the transfer of personal data by Europol to Kosovo law enforcement authorities. That is stated explicitly in its preambular context and again as a dedicated clause on personal data. In other words, what exists today is a framework for structured cooperation, but it stops short of the most operationally consequential feature that other partners often seek, such as systematic, legally stable personal-data exchange for serious and organized crime investigations.

The European Commission's own reporting on Kosovo confirms that operational cooperation has deepened on the "tools" side (liaison officer deployment; SIENA usage), while the legal basis remains the Working Arrangement model rather than an Operational Agreement that other Western Balkan countries have. Kosovo's 2023 report by the European Commission states that SIENA is operational and that cooperation improved with the deployment of a liaison officer at Europol HQ in The Hague. The 2023 report is direct on the structural gap noting that all Western Balkan countries have ratified operational agreements with Europol, except Kosovo, for which a working arrangement is in place.

## OPPORTUNITIES TO ADVANCE COOPERATION WITHIN THE EUROPOL FRAMEWORK

The key legal instrument is the Regulation (EU) 2016/794, as amended by Regulation (EU) 2022/991. Under the Regulation, Europol may maintain cooperative relations with third-country authorities as necessary for its tasks, and it may conclude working arrangements for that purpose.





The Regulation then draws a line and that is that working arrangements shall not allow the exchange of personal data and shall not bind the Union or its Member States. This EU rule mirrors the Kosovo Working Arrangement's own acknowledgement that it is not a personal-data transfer instrument. For personal-data transfers, the Regulation establishes specific legal norms. As a baseline rule, Europol may transfer personal data to a third country's competent authorities where necessary for Europol's tasks on the basis of: (a) a Commission adequacy decision under the Law Enforcement Directive, (b) an EU international agreement under Article 218 TFEU with adequate safeguards, or (c) certain legacy pre-1 May 2017 cooperation agreements.

Crucially for a "step up" from the current Kosovo arrangement, the 2022 amendment added an additional route and that is that in the absence of an adequacy decision, Europol's Management Board may authorise Europol to transfer personal data to a third country or international organisation where appropriate safeguards exist either via a legally binding instrument or based on an assessment of all circumstances. This provision is relevant because it creates a legally defined "upgrade" path for Kosovo that does not automatically require a Commission adequacy decision first, although it still demands safeguards that would need to be demonstrated and documented.

The Regulation also matters procedurally. Europol's Management Board decides on the conclusion of working arrangements and administrative arrangements, and it can suggest to the Council that it draw the Commission's attention to the need for an adequacy decision or the opening of negotiations for an Article 218 international agreement. In practical terms this means a request to "advance the relationship" can be framed as (i) seeking a structured internal assessment and (ii) triggering Europol governance and EU-institutional pathways explicitly foreseen in the Regulation.

Separately, the EU-Kosovo Stabilisation and Association Agreement (SAA) provides a political-legal context for deeper Justice and Home Affairs cooperation. The SAA's preamble explicitly underscores combating organised crime and strengthening cooperation against terrorism, and it situates mobility within a legal and secure environment. The SAA has a specific section on Freedom, Security and Justice, including an article focused on reinforcing institutions and rule of law, explicitly referencing adequate structures for the police and the capacity to prevent, investigate, prosecute and adjudicate organised crime, corruption, and terrorism. The SAA also contains a dedicated obligation on personal data protection alignment (aiming at a level corresponding to the EU acquis and requiring independent supervision capacity), which is directly relevant to any EU-law assessment of safeguards for law-enforcement data





exchange. Kosovo has an independent, highly professional and functional Agency for Information and Privacy (AIP), that is mandate to protect personal data.

In Case C-632/20 P (Spain v Commission), the Court held that treating Kosovo as a “third country” for the relevant EU framework can be legally possible without affecting Member States’ individual positions, and that the Commission’s act could not be read as “implicit recognition” of Kosovo’s status as an independent State. While that case ultimately turned on institutional competence and required the proper procedure to be followed, the Court’s reasoning is directly supportive of a an upgrade in Kosov-Europol cooperation, that would remain “status-neutral” and procedurally correct.

## WHY DEEPER COOPERATION BETWEEN KOSOVO AND EUROPOL IS NEEDED?

Since January 2024, Kosovo citizens enjoy visa liberalisation in the Schengen zone of the EU. This and the independent assessments by the European Commission shows that Kosovo met the roadmap requirements for a visa-free regime. From a policing perspective, the European Commission’s reporting shows an increasing operational integration of Kosovo is already underway, particularly through SIENA and EMPACT, despite the formal “working arrangement” basis. Kosovo’s 2024 report states that Europol cooperation advanced, that Kosovo was participating in joint operations, that SIENA information exchange significantly increased, and that a Kosovo liaison officer was deployed to Europol. The 2025 report provides quantitative indicators such as information exchanged via SIENA doubled compared with 2023 and is six times higher than in 2022, and Kosovo Police participated in 12 EMPACT Operational Action Plans and 72 operational actions (one as co-leader).

***Therefore, upgrading the Kosovo-Europol relations is a logical formalisation of an already intensifying operational reality and not a political step or leap.***

On Kosovo Police capacity and professionalism, the European Commission’s 2023 and 2024 reports contain rather positive assessments. The 2023 report notes adoption of a new police organisational structure and upgraded intelligence and analysis capacities, alongside continued law enforcement operations against organised crime. The 2024 report adds detail on intelligence-led policing, improved financial investigations, and an upgrade of Intelligence and Analysis. It also notes that Kosovo Police is able to fulfil border security tasks “mostly in accordance with European standards.”





Regional coherence is also very important. The EU norms on visa lists explicitly cites regional coherence and security/public-policy criteria as part of the visa regime assessment framework. And the Commission's report describe the Western Balkans as hotspots for organised crime affecting the EU, including transit for migrant smuggling and trafficking, and it highlights the value of operational-level law-enforcement cooperation.

***So, an advanced and upgraded Kosovo-Europol cooperation benefits member state security as well.***

First, the current Working Arrangement model is structurally mismatched to how modern cross-border investigations work. Europol's norms are explicit that working arrangements cannot enable personal-data exchange. The Kosovo Working Arrangement repeats that it is not a legal basis for personal-data transfers. Yet the same Commission reporting shows rapidly growing SIENA traffic and EMPACT operational engagement with Kosovo. This creates operational friction as more joint work is growing, but less legally robust data-sharing capacity is in place.

Second, the regional coherence argument is important. In the country report, the European Commission explicitly distinguishes Kosovo from other Western Balkan partners by noting that operational agreements exist for all except Kosovo, where only a working arrangement is in place. If cross-border criminal groups treat the region as one operating space, as the Commission describes, then keeping one police service structurally outside the most advanced Europol cooperation framework is counterproductive for EU internal security objectives.

Third, the political/status sensitivities can be managed within established EU practice. The SAA contains a non-recognition clause. The Court of Justice has held that cooperation arrangements implementing EU frameworks do not amount to implicit recognition.

## WHAT COMES NEXT?

The issue is not is Kosovo Police cooperates with Europol. It already does, intensively and increasingly. The real issues is whether the legal framework will now catch up with operational reality that exist between Kosovo Police and Europol.





To finalize an Operational Agreement with Europol, Kosovo still needs to adopt data protection laws for law enforcement that match Directive (EU) 2016/680. Kosovo already has a strong general legal framework for personal data protection and an independent supervisory authority, but these do not cover how personal data is handled in criminal cases. Like other countries outside the EU wanting to work with Europol, Kosovo must have national laws on law enforcement data protection that fully align with the EU's Law Enforcement Data Protection Directive. The Government of Kosovo is aware of this gap and plans to pass the necessary legislation by October 2026. Until these laws are in place, cooperation with Europol will stay limited, not because of politics, but because of the technical and legal requirements needed for secure data exchange within the EU's security system.

Upgrading Kosovo Police-Europol cooperation is not about political symbolism. It is about ensuring that Kosovo is fully equipped to contribute to Europe's collective fight against organised crime and security threats that do not stop at borders.

Ultimately, advancing cooperation would not create a new political reality. It would simply recognise the one that already exists. Kosovo Police is already part of Europe's operational security landscape. Formalising that role through an operational framework would close a remaining gap, strengthen mutual trust, and serve the shared interest that underpins Europol itself: keeping Europe and its citizens safe.

