



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Foreign Affairs

2009/0104(CNS)

24.9.2009

DRAFT OPINION

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council regulation on amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement
(COM(2009)0366 – C7-0112/2009 – 2009/0104(CNS))

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SHORT JUSTIFICATION

The European Parliament, and the Committee on Foreign Affairs in particular, is a strong supporter of the abolishment of the visa regime for the Western Balkan countries. The current regime is a huge step backwards for the countries of ex-Yugoslavia, whose citizens could travel without visas to the West during the socialist time, but paradoxically are required to apply for visas now.

The visa regime has isolated the citizens of these countries, who, in spite of being in the heart of Europe, find themselves with limited possibilities to visit the countries of the European Union. Even the neighbouring countries are inaccessible for many as their visa applications are rejected due to stringent conditions. This situation has hampered the very people whom we would like to see developing contacts with their EU counterparts - civil society, business people, and academics - from doing so. Particularly among young people, the percentage of those who have never had the opportunity to leave their own country and discover the EU is strikingly high, bringing about a sense of isolation and discrimination. It is high time this situation changed - familiarity with the EU allows for better understanding and closer cooperation and it is a prerequisite to building good and sustainable relations. It is in the interest of both the Western Balkan countries and of the EU to make it easier to travel.

While the restrictions harm ordinary people, they probably have little effect on the ability to achieve free movement of some of the groups at whom the system is targeted, such as organised criminals. Other means can contribute much more to the fight against organised crime, trafficking and smuggling e.g. capacity-building of the administrations, enhanced regional cooperation by police and judiciary as well as stepped-up border monitoring and better training and remuneration of staff. Steps towards these measures have already begun and have started to deliver tangible results in the region.

The Committee on Foreign Affairs has continuously called for the abolishment of visas. The European Commission's proposal is therefore a welcome step in the right direction. However, the countries which have been left outside of a visa-free framework should be allowed to join it as soon as they are ready. We should not allow the possibility that they become even more isolated, while their neighbours enjoy possibility of obstacle-free travel to the EU. Naturally they have to be ready and they still have some work ahead of them. However, the Commission should already now present them with this opportunity, from which they could benefit as soon as they have fulfilled the conditions of the road map, without the delays caused by the decision-making process in the EU.

Therefore, Albania and Bosnia and Herzegovina should benefit from the visa-free framework immediately after the Commission has assessed that they meet all the benchmarks set in the roadmap for visa liberalisation. Kosovo should not be excluded from the process enjoyed by the other Western Balkan countries, and the Commission should immediately start a visa dialogue and establish a roadmap for visa liberalisation.

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

AMENDMENTS

Amendment 1

Proposal for a regulation – amending act Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) With the aim of furthering the implementation of the Thessaloniki agenda the Commission shall start a visa liberalisation dialogue with Kosovo and establish a roadmap for visa liberalisation similar to the roadmaps established with other Western Balkan countries. This is without prejudice to Member States' competence as concerns the recognition of Kosovo as an independent state.

Or. en

Amendment 2

Proposal for a regulation – amending act Recital 4

Text proposed by the Commission

Amendment

(4) Therefore the former Yugoslav Republic of Macedonia, Montenegro **and** Serbia ***[the latter two meeting all the benchmarks by the date of adoption of the present Regulation]***, should be transferred to Annex II to Regulation (EC) No 539/2001. This visa waiver should only apply to holders of biometric passports issued by each of the **three** countries concerned.

(4) Therefore the former Yugoslav Republic of Macedonia, Montenegro, Serbia, ***Albania and Bosnia and Herzegovina*** should be transferred to Annex II to Regulation (EC) No 539/2001 ***on the following conditions:***

- for Montenegro and Serbia, that they meet all the benchmarks by the date of adoption of the present Regulation;

- for Albania and Bosnia and Herzegovina, that the exemption from the visa requirement will apply without delay immediately after the assessment by the Commission that each of these countries meets all the benchmarks set in the roadmap for visa liberalisation and a

notice about the assessment is published in the Official Journal; Commission evaluations shall be made monthly and be reported to the European Parliament and Council as well as the countries concerned;

- This visa waiver should only apply to holders of biometric passports issued by each of the **five** countries concerned.

Or. en

Amendment 3

Proposal for a regulation – amending act Article 1

Text proposed by the Commission

Regulation (EC) No 539/2001 is hereby amended as follows:

1) Annex I shall be amended as follows:

(a) in Part 1, the reference to the former Yugoslav Republic of Macedonia, Montenegro **and** Serbia shall be deleted;
(b) in Part 2, the following reference shall be inserted:

"Kosovo under UNSCR 1244/99".

2) In Annex II , Part 1, the following references shall be inserted:

"the former Yugoslav Republic of Macedonia (*)
Montenegro (*)
Serbia [excluding holders of Serbian passports issued by the Serbian Coordination Directorate (in Serbian: *Koordinaciona uprava*)](*)

(*) The exemption from the visa requirement only applies to holders of biometric passports".

Amendment

Regulation (EC) No 539/2001 is hereby amended as follows:

1) Annex I shall be amended as follows:

(a) in Part 1, the reference to the former Yugoslav Republic of Macedonia, Montenegro, Serbia, ***Bosnia and Herzegovina and Albania*** shall be deleted;

(b) in Part 2, the following reference shall be inserted:

"Kosovo under UNSCR 1244/99".

2) In Annex II , Part 1, the following references shall be inserted:

"the former Yugoslav Republic of Macedonia (*)
Montenegro (*)
Bosnia and Herzegovina (*)
Albania (*)

Serbia [excluding holders of Serbian passports issued by the Serbian Coordination Directorate (in Serbian: *Koordinaciona uprava*)](*)

(*) The exemption from the visa requirement only applies to holders of biometric passports".

Or. en