



Plenary sitting

A9-0172/2024

9.4.2024

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1806 as regards holders of Serbian passports issued by the Serbian Coordination Directorate (Kordinaciona uprava) (COM(2023)0733 – C9-0412/2023 – 2023/0418(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Matjaž Nemeč

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ▬ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1806 as regards holders of Serbian passports issued by the Serbian Coordination Directorate (Kordinaciona uprava) (COM(2023)0733 – C9-0412/2023 – 2023/0418(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0733),
 - having regard to Article 294(2) and Article 77(2), point (a), of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0412/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0172/2024),
1. Adopts its position at first reading, taking over the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

a. Background

On 16 November 2023 the Commission presented a proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1806 as regards holders of Serbian passports issued by the Serbian Coordination Directorate (Koordinaciona uprava).

According with the Commission, this amendment to Regulation (EU) 2018/1806 would allow to exempt holders of Serbian passports issued by the Serbian Coordination Directorate from the requirement to be in possession of a visa when crossing the external borders of the Member States for stays of no more than 90 days in any 180-day period.

In 2009, Kosovo was included in part 2 of Annex I to Regulation (EC) No 539/2001, entailing that holders of passports issued by Kosovo were required to be in possession of a visa when crossing the external borders of the Member States. The Commission launched a visa liberalisation dialogue with Kosovo on 19 January 2012. On 14 June 2012, it presented to Kosovo a roadmap, which identified all the legislation and other measures that Kosovo needed to adopt and implement to advance towards visa liberalisation. This dialogue was successfully concluded, and on 4 May 2016, the Commission presented a proposal¹ to transfer Kosovo to Annex II of Regulation (EC) No 539/2001.

This proposal was finally agreed and adopted on 19 April 2023. Regulation (EU) 2023/850² amended Regulation (EU) 2018/1806³ (that in the meantime had replaced Regulation (EC) No 539/2001), by transferring Kosovo from Part 2 of Annex I to Part 4 of Annex II of that Regulation. As in the case of all previous successfully concluded visa liberalisation dialogues, it was decided that the exemption from the visa requirement should apply only to holders of biometric passports. Furthermore, it was decided that the exemption should not apply until the date from which the European Travel Information and Authorisation System (ETIAS), established by Regulation (EU) 2018/1240 of the European Parliament and of the Council⁴, starts operations or until 1 January 2024, whichever date comes first. Following the adoption of Regulation (EU) 2023/850, holders of Serbian passports issued by the Serbian Coordination Directorate would remain the only citizens in the Western Balkan region required to be in possession of a visa when travelling to the EU for short stays.

With the entry into force of the visa exemption for Kosovo passport holders, in its proposal the Commission considered that the reasons behind the exclusion of holders of Serbian passports

¹ COM/2016/0277 final.

² Regulation (EU) 2023/850 of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2018/1806 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 (Kosovo (This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.)) (OJ L 110, 25.4.2023, p. 1–4).

³ Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 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 (OJ L 303 28.11.2018, p. 39).

⁴ Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1–71).

issued by the Serbian Coordination Directorate from that visa exemption no longer exist, and that all citizens of the Western Balkan region should benefit from visa-free travel to the Schengen area.

b. The Serbian Coordination Directorate

The Serbian Coordination Directorate was established during the visa liberalisation dialogue with Serbia. The aim was to replace the seven regional Police Directorates scattered over the Serbian territory, which had been responsible for issuing passports to Kosovo Serbs until then. The passports issued by the Serbian Coordination Directorate are biometric and have been used by their holders as travel documents for the purpose of traveling to the EU since the Directorate was established.

Since the launching of the first visa liberalisation dialogues in 2008, the Commission set out an overall objective to grant the whole Western Balkan region visa-free access to the Schengen area. Visa requirements for Montenegro, North Macedonia and Serbia were abolished in 2009, for Albania and Bosnia and Herzegovina in 2010 and for Kosovo in 2023. In this context, removing the exclusion from the visa exemption concerning the holders of Serbian passports issued by the Serbian Coordination Directorate would ensure that the whole Western Balkan region is subject to the same visa regime.

c. Position of the Rapporteur

The European Union's visa policy, including its visa liberalisation regime, has undoubtedly been one of Europe's most influential soft foreign policy tools. However, due to the complexity of the world geopolitics but also often times European Union's internal divisions, certain compromises needed to be made and decisions taken which often create problems in the future. This is the case when it comes to the Western Balkans, where matters are never simple and rarely easy.

In what concerns the Commission proposal, the Rapporteur is of the opinion that this complex question requires the consideration of all facts and aspects, however also merits an approach where politics should be put aside for a moment.

It needs to be acknowledged that the European Union has been to a large degree a catalyst of this problem, and, therefore, the Rapporteur believes that the EU must now also resolve it.

It has been perhaps unwise to impose on Serbia, as part of its visa liberalisation dialogue in 2008, a distinction for the issuing of passports of Serbians living in Kosovo knowing that such a solution could only always be temporary in its nature. While at the same time not introducing into this temporary solution sufficient safeguards which would foresee its eventual coming to an end.

Furthermore, the lack of progress in the normalisation of relations between Serbia and Kosovo, and the fact that Serbian and Kosovo still do not mutually recognise each-other's documents, has also not contributed in any helpful way to avoid this issue to become a problem.

The Rapporteur is well aware that the Serbian residents of Kosovo who are holders of the passports issued by the Serbian Coordination Directorate today remain the last category of persons in the Western Balkans who are EU visa required due to no fault of their own. The Rapporteur considers this constitutes a discrimination and takes, in principle, the strongest view that any discrimination should be prohibited, and immediately remedied if it occurs. This same principle should also apply to this very proposal.

Until such time when the final status of Kosovo is resolved or significant progress is made in the normalisation of relations between Kosovo and Serbia, the Rapporteur takes the view that this proposal should not try nor it can resolve the dispute between Serbia and Kosovo, nor should it be expected that it would. The Rapporteur believes that in order to achieve the best outcome, politics should be left aside and take the approach to this matter as a technical issue.

Therefore, understanding the complexity of the issues and having considered all different aspects, the Rapporteur welcomes the proposal from the Commission and supports its speedy adoption in Parliament without amendments still in the current parliamentary term.

**ANNEX: ENTITIES OR PERSONS
FROM WHOM THE RAPPORTEUR HAS RECEIVED INPUT**

Pursuant to Article 8 of Annex I to the Rules of Procedure, the rapporteur declares that he has received input from the following entities or persons in the preparation of the report, until the adoption thereof in committee:

Entity and/or person
Embassy of the Republic of Kosova in Brussels, Belgium
Mission of the Republic of Serbia to the EU
The first Deputy Prime Minister for European Integration, Development and Dialogue of the Republic of Kosovo

The list above is drawn up under the exclusive responsibility of the rapporteur.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Amending Regulation (EU) 2018/1806 as regards holders of Serbian passports issued by the Serbian Coordination Directorate (Koordinaciona uprava)
References	COM(2023)0733 – C9-0412/2023 – 2023/0418(COD)
Date submitted to Parliament	16.11.2023
Committee responsible Date announced in plenary	LIBE 11.12.2023
Rapporteurs Date appointed	Matjaž Nemeč 4.3.2024
Previous rapporteurs	Jean-Paul Garraud
Date adopted	9.4.2024
Result of final vote	+ : 34 - : 7 0 : 12
Members present for the final vote	Abir Al-Sahlani, Malik Azmani, Pietro Bartolo, Theresa Bielowski, Vladimír Bilčík, Malin Björk, Karolin Braunsberger-Reinhold, Patrick Breyer, Saskia Bricmont, Annika Bruna, Lena Düpont, Lucia Ďuriš Nicholsonová, Maria Grapini, Sylvie Guillaume, Andrzej Halicki, Evin Incir, Sophia in 't Veld, Marina Kaljurand, Assita Kanko, Fabienne Keller, Jeroen Lenaers, Juan Fernando López Aguilar, Erik Marquardt, Javier Moreno Sánchez, Maite Pagazaurtundúa, Pina Picierno, Emil Radev, Diana Riba i Giner, Isabel Santos, Birgit Sippel, Tineke Strik, Jana Toom, Milan Uhrík, Tom Vandendriessche, Elissavet Vozemberg-Vrionidi, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Susanna Ceccardi, José Gusmão, Leopoldo López Gil, Matjaž Nemeč, Janina Ochojska, Anne-Sophie Pelletier, Bergur Løkke Rasmussen, Dragoş Tudorache, Petar Vitanov, Tomáš Zdechovský
Substitutes under Rule 209(7) present for the final vote	Marie Dauchy, Claude Gruffat, Pär Holmgren, Gilles Lebreton, Alin Mituța, Kosma Złotowski
Date tabled	9.4.2024

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

34	+
PPE	Vladimír Bilčík, Karolin Braunsberger-Reinhold, Lena Düpont, Andrzej Halicki, Jeroen Lenaers, Janina Ochojska, Emil Radev, Elissavet Vozemberg-Vrionidi, Tomáš Zdechovský
Renew	Abir Al-Sahlani, Malik Azmani, Lucia Ďuriš Nicholsonová, Sophia in 't Veld, Fabienne Keller, Alin Mituța, Bergur Lökke Rasmussen, Jana Toom, Dragoș Tudorache
S&D	Pietro Bartolo, Theresa Bielowski, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Juan Fernando López Aguilar, Javier Moreno Sánchez, Matjaž Nemeč, Pina Picierno, Isabel Santos, Birgit Sippel, Petar Vitanov, Elena Yoncheva
The Left	Malin Björk, José Gusmão, Anne-Sophie Pelletier

7	-
NI	Milan Uhrík
Verts/ALE	Patrick Breyer, Saskia Bricmont, Claude Gruffat, Erik Marquardt, Diana Riba i Giner, Tineke Strik

12	0
ECR	Assita Kanko, Kosma Zlotowski
ID	Annika Bruna, Susanna Ceccardi, Marie Dauchy, Gilles Lebreton, Tom Vandendriessche
PPE	Leopoldo López Gil, Javier Zarzalejos
Renew	Maite Pagazaurtundúa
S&D	Maria Grapini
Verts/ALE	Pär Holmgren

Key to symbols:

+ : in favour

- : against

0 : abstention