



EUROPEAN PARLIAMENT

2009 - 2014

Committee on Foreign Affairs

2009/0104(CNS)

7.10.2009

OPINION

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

on the proposal for a Council regulation 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))

Rapporteur: Sarah Ludford

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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.

AMENDMENTS

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:

Amendment 1

Proposal for a regulation – amending act Recital 3

Text proposed by the Commission

(3) For persons residing in Kosovo under UNSCR 1244/99 and persons whose citizenship certificate has been issued for the territory of Kosovo under UNSCR 1244/99, a specific Coordination Directorate in Belgrade will be in charge of collecting their passport applications and the issuance of passports. However, in view of security concerns regarding in particular the potential for illegal migration, the holders of Serbian passports issued by this specific Coordination Directorate (in Serbian : Koordinaciona uprava) should be excluded from the visa free regime for Serbia.

Amendment

(3) For persons residing in Kosovo under UNSCR 1244/99 and persons whose citizenship certificate has been issued for the territory of Kosovo under UNSCR 1244/99, a specific Coordination Directorate in Belgrade will be in charge of collecting their passport applications and the issuance of passports. However, in view of security concerns regarding in particular the potential for illegal migration, the holders of Serbian passports issued by this specific Coordination Directorate (in Serbian : Koordinaciona uprava) should be excluded from the visa-free regime for Serbia. ***In view of the fact that the border between Serbia and Kosovo is regarded by the Belgrade authorities as an administrative boundary, which might negatively influence effective inter-state border controls, the Commission should request the Belgrade government to implement at that border/boundary the same measures and controls as it does with all the other internationally recognised borders.***

Justification

The Ministry of Interior of the Republic of Serbia and EULEX signed in August a protocol on police cooperation which was requested by the Commission in order for Serbia to be granted the EU Visa Waiver. The agreement on customs has not yet been negotiated. Regardless of the status of Kosovo Serbia should apply and implement to the boundary/border with Kosovo the same standard controls it does to all other internationally recognised borders.

Amendment 2

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

Text proposed by the Commission

Amendment

(3a) With the aim of furthering the implementation of the Thessaloniki agenda, the Commission should start a visa dialogue with Kosovo so as to establish a roadmap for visa liberalisation similar to those established with other Western Balkan countries. This should be without prejudice to Member States' competence as regards the recognition of Kosovo as an independent state.

Amendment 3

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

Text proposed by the Commission

Amendment

(3b) With the aim also of strengthening the Stabilisation and Association Process, visa-free travel will improve participation in the common market that is gradually being established with Albania, Bosnia and Herzegovina, Montenegro and the former Yugoslav Republic of Macedonia, and will thereby contribute to trade, innovation and growth.

Justification

Stabilization and Association Agreements are currently in force: with the former Yugoslav Republic of Macedonia (entry into force on 1 May 2004) and with Croatia (entry into force on 1 February 2005). The SAA with Albania was signed in June 2006 and the interim agreement (IA) on trade and trade-related matters entered into force on 1 December 2006. The SAA and IA with Montenegro were signed on 15 October 2007 and the IA entered into force on 1 January 2008, the agreements with Bosnia and Herzegovina were signed on 16 June 2008 and the IA entered into force 1 July 2008. Agreements with Serbia are not yet signed and no interim agreement is in force.

Amendment 4

Proposal for a regulation – amending act Recital 4

Text proposed by the Commission

(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.

Amendment

(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 conditions, as regards Montenegro and Serbia, that those countries meet all the benchmarks by the date of adoption of the present Regulation and, as regards 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 those countries meets all the benchmarks set in the roadmap for visa liberalisation and a notice about the assessment is published in the Official Journal of the European Union. Commission evaluations shall be carried out monthly and shall be communicated to the European Parliament and the 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.

Amendment 5

Proposal for a regulation – amending act Article 1 – point 1 – point -a (new) Regulation (EC) No 539/2001 Annex I – Part 1

Text proposed by the Commission

Amendment

(-a) in Part 1, the reference to Albania and Bosnia and Herzegovina shall be

amended as follows:

*"Albania **

*Bosnia and Herzegovina **

** The name of the country shall be deleted from this Annex without delay immediately after the assessment by the Commission that the country in question meets all the benchmarks set in the roadmap for visa liberalisation and a notice about the assessment is published in the Official Journal of the European Union."*

Amendment 6

Proposal for a regulation – amending act

Article 1 – point 2

Regulation (EC) No 539/2001

Annex II – Part 1

Text proposed by the Commission

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

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

*"Albania * ***

*Bosnia and Herzegovina * ***

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 shall apply without delay immediately after the assessment by the Commission that the country in question meets all the benchmarks set in the roadmap for visa liberalisation and a notice about the assessment is published in the Official Journal of the European Union.*

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

PROCEDURE

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|---|---|
| Title | List of third countries whose nationals are subject to or exempt from a visa requirement when crossing the external borders |
| References | COM(2009)0366 – C7-0112/2009 – 2009/0104(CNS) |
| Committee responsible | LIBE |
| Opinion by Date announced in plenary | AFET 14.9.2009 |
| Rapporteur Date appointed | Baroness Sarah Ludford 16.9.2009 |
| Discussed in committee | 29.9.2009 6.10.2009 |
| Date adopted | 6.10.2009 |
| Result of final vote | +: 53 -: 8 0: 7 |
| Members present for the final vote | Pino Arlacchi, Frieda Brepoels, Elmar Brok, Arnaud Danjean, Michael Gahler, Andrzej Grzyb, Takis Hadjigeorgiou, Heidi Hautala, Anna Ibrisagic, Jelko Kacin, Ioannis Kasoulides, Tunne Kelam, Andrey Kovatchev, Eduard Kukan, Vytautas Landsbergis, Ryszard Antoni Legutko, Krzysztof Lisek, Sabine Lösing, Ulrike Lunacek, Barry Madlener, Mario Mauro, Willy Meyer, Francisco José Millán Mon, Alexander Mirsky, Andreas Mølzer, María Paloma Muñoz De Urquiza, Annemie Neyts-Uyttebroeck, Norica Nicolai, Raimon Obiols, Ioan Mircea Pașcu, Vincent Peillon, Mirosław Piotrowski, Hans-Gert Pöttering, Cristian Dan Preda, Fiorello Provera, Jacek Saryusz-Wolski, Adrian Severin, Marek Siwiec, Ernst Strasser, Hannes Swoboda, Zoran Thaler, Inese Vaidere, Johannes Cornelis van Baalen, Kristian Vigenin, Graham Watson, Boris Zala |
| Substitute(s) present for the final vote | Elena Băsescu, Emine Bozkurt, Nikolaos Chountis, Marije Cornelissen, Véronique De Keyser, Göran Färm, Lorenzo Fontana, Liisa Jaakonsaari, Elisabeth Jeggle, Baroness Sarah Ludford, Nadezhda Mihaylova, Doris Pack, Vittorio Prodi, Teresa Riera Madurell, Marietje Schaake, Indrek Tarand, Traian Ungureanu, Janusz Władysław Zemke |
| Substitute(s) under Rule 187(2) present for the final vote | Michel Dantin, Tanja Fajon, Georgios Stavrakakis, Manfred Weber |