

Visas: third countries whose nationals are subject to or exempt from a visa requirement

2009/0104(CNS) - 15/07/2009 - Legislative proposal

PURPOSE: to amend 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 so as to allow, under certain conditions, citizens from several Western Balkan countries (former Yugoslav Republic of Macedonia, Montenegro and Serbia) to enter the EU.

PROPOSED ACT: Council Regulation.

CONTENT: in proposing to amend [Regulation \(EC\) No 539/2001](#) as last amended by [Regulation \(EC\) No 1932/2006](#), the Commission is pursuing the following objectives:

- adjusting the two annexes to the Regulation, so as to fully reflect the new situation in the countries of the Western Balkan region, considering the political commitment taken by the European Union on the liberalisation of the short term visa requirement for the citizens of all Western Balkan countries as part of the Thessaloniki agenda and the progress made in the visa liberalisation dialogues started in 2008 with Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia;
- ensuring that this adjustment for Western Balkan countries is in line with the need for periodic review of Regulation (EC) No 539/2001 and the composition of its annexes – which contain the list of third countries whose nationals must be in possession of visas when crossing the external borders of Member States (Annex I) and the list of those whose nationals are exempt from that requirement (Annex II) – and that it complies with the criteria set out in recital 5, in particular as regards the illegal immigration and public policy criteria for transferring countries from one annex to another as appropriate;
- transferring the former Yugoslav Republic of Macedonia, Montenegro and Serbia from the Annex I to the Annex II of the Regulation; introducing Kosovo under United Nations Security Council Resolution (UNSCR) 1244/99 into Annex I of Regulation (EC) No 539/2001 under "Entities and territorial authorities that are not recognised as states by at least one Member State". This is without prejudice to the status of Kosovo under UNSCR 1244/99 (no dialogue on visa liberalisation has been started with this territorial entity). Serbian and Montenegro should however meet all benchmarks of their respective roadmaps by the date of adoption of this proposal by the Council.

Bearing in mind that the introduction of new biometric passports by the Western Balkan countries constitutes a fundamental element in the visa liberalisation dialogues, the visa waiver for the citizens of each of these countries should only apply to those who are holders of such biometric passports.

It should be noted that the Commission considers that holders of Serbian passports issued by the specific Coordination Directorate (in Serbian: *Koordinaciona uprava*) should be excluded from the visa free regime for Serbia.

IMPACT ASSESSMENT: not applicable.

BUDGETARY IMPLICATION: the proposed amendment has no implication for the Community budget.