

# Third countries whose nationals are subject to or exempt from a visa requirement: Kosovo

2016/0139(COD) - 04/05/2016 - 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.

**PROPOSED ACT:** Regulation of European Parliament and of the Council.

**ROLE OF THE EUROPEAN PARLIAMENT:** the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

**BACKGROUND:** [Council Regulation \(EC\) No 539/2001](#) lists the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States and those whose nationals are exempt from that requirement. It is applied by all Member States – with the exception of Ireland and the United Kingdom – and also by Iceland, Liechtenstein, Norway and Switzerland. The Regulation is part of the EU's common visa policy for short stays of 90 days in any 180-day period.

**Kosovo is currently listed in Annex I, Part 2 of Regulation (EC) No 539/2001**, i.e. among those entities and territorial authorities that are not recognised as states by at least one Member State. Persons from those entities are required to hold a visa when travelling to the territory of EU Member States.

Since launching the visa dialogue in January 2012, the Commission has presented regular reports to the European Parliament and to the Council on its assessment of Kosovo's fulfilment of the requirements of the roadmap which identified all the legislation and other measures that Kosovo needed to adopt and implement to advance towards visa liberalisation.

In its last report, the Commission set out recommendations corresponding to outstanding requirements of the visa roadmap, including four key priorities. It noted the border/boundary delineation agreement with Montenegro should be ratified by Kosovo before visa free status is granted to persons from Kosovo.

In its latest report, the Commission observed that Kosovo had taken important steps towards fulfilling the requirement of ratifying its border/boundary agreement with Montenegro and fulfilled sufficient elements of building up its track record in the fight against organised crime and corruption.

Based on this assessment and given the outcome of the continuous monitoring and reporting that had been carried out since the launch of the visa liberalisation dialogue with Kosovo, the Commission confirms that Kosovo has met the requirements of its visa liberalisation roadmap on the understanding that by the day of the adoption of this proposal by the European Parliament and the Council, Kosovo will have ratified the border/boundary agreement with Montenegro and strengthened its track record in the fight against organised crime and corruption.

**CONTENT:** taking account of all the criteria which should be considered when determining on a case-by-case basis the third countries whose nationals are subject to, or exempt from, the visa requirement as laid down in Regulation (EC) No 539/2001 (as introduced by Regulation (EU) No 509/2014), the Commission has decided to present a legislative proposal to amend Regulation (EC) No 539/2001, transferring Kosovo from Annex I, Part 2 (visa-required list) to Annex II, Part 4 (visa-free list). A footnote will be added specifying that the visa exemption will be limited to holders of biometric passports issued in line with the

standards of International Civil Aviation Organisation (ICAO) and EU standards for security features and biometrics in travel documents (Council Regulation (EC) No 2252/2004).

**Territorial provisions:** the proposed regulation will constitute a **development of the Schengen acquis**. Therefore, the United Kingdom and Ireland shall not participate in the adoption of the Regulation and shall not be bound by it or subject to its application.

The amended Regulation will be directly applicable from the date of its entry into force and will be implemented immediately by Member States. No implementation plan is necessary.

The Commission will continue to actively monitor Kosovo's process of ratifying its border/boundary agreement with Montenegro and the development of its track record in the fight against organised crime and corruption.

(\*) 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.