Basic information

2009/0104(CNS) CNS - Consultation procedure Regulation	Procedure completed
Visas: third countries whose nationals are subject to or exempt from a visa requirement Amending Regulation (EC) No 539/2001 2000/0030(CNS) **Subject** 7.10.04 External borders crossing and controls, visas	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	FAJON Tanja (S&D)	02/09/2009
	Shadow rapporteur CORAZZA BILDT Anna Maria (PPE) ERNST Cornelia (GUE /NGL)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	LUDFORD Baroness Sarah (ALDE)	16/09/2009

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2979	2009-11-30

European Commission

Commission DG	Commissioner
Justice and Consumers	BARROT Jacques

Key events

Date	Event	Reference	Summary
15/07/2009	Legislative proposal published	COM(2009)0366	Summary

14/09/2009	Committee referral announced in Parliament		
19/10/2009	Vote in committee		Summary
27/10/2009	Committee report tabled for plenary, 1st reading/single reading	A7-0042/2009	
11/11/2009	Debate in Parliament		
12/11/2009	Decision by Parliament	T7-0062/2009	Summary
12/11/2009	Results of vote in Parliament		
30/11/2009	Act adopted by Council after consultation of Parliament		
30/11/2009	End of procedure in Parliament		
18/12/2009	Final act published in Official Journal		

Technical information

Procedure reference	2009/0104(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 539/2001 2000/0030(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/00723

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE428.146	18/09/2009	
Committee opinion	AFET	PE428.127	07/10/2009	
Amendments tabled in committee		PE429.562	15/10/2009	
Committee report tabled for plenary, 1st reading/single reading		A7-0042/2009	27/10/2009	
Text adopted by Parliament, 1st reading/single reading		T7-0062/2009	12/11/2009	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2009)0366	15/07/2009	Summary
Commission response to text adopted in plenary	SP(2010)484	23/02/2010	

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Regulation 2009/1244 OJ L 336 18.12.2009, p. 0001	Summary

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.

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

2009/0104(CNS) - 30/11/2009 - Final act

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.

LEGISLATIVE ACT: Council Regulation (EC) No 1244/2009 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.

CONTENT: the Council decided to grant visa free travel to and throughout the Schengen area for citizens of the former Yugoslav Republic of Macedonia, Montenegro and Serbia. It did so by adopting amendments to regulation No 539/2001. The visa waiver will apply from 19 December 2009 to holders of biometric passports.

The regulation also envisages the specific case of Albania and Bosnia and Herzegovina. These countries are not considered to have met all the benchmarks agreed under the visa liberalisation dialogue with the countries of the Western Balkans. A political declaration, however, invites the Commission to propose visa liberalisation for these two countries as soon as they comply with all the benchmarks, with a view to achieving visa free travel for their citizens as soon as possible. The main areas where benchmarks were set under the visa liberalisation dialogue are border controls, passport security, fight against organised crime and corruption as well as external relations and fundamental rights.

The amended regulation also makes a reference to Kosovo under UNSCR 1244/99 with the result that persons residing in Kosovo require a visa when travelling to the EU.

Joint political declaration annexed to the decision: in this declaration, the European Parliament and the Council:

- invites the Commission to propose visa liberalisation for these two countries as soon as they comply with all the benchmarks recognise that the former Yugoslav Republic of Macedonia, Montenegro and Serbia fulfil all conditions for visa liberalisation;
- expresses the hope that Albania and Bosnia and Herzegovina will also qualify for visa liberalisation soon. To that end, the European Parliament and the Council urge those two countries to make all efforts to comply with all the benchmarks set out in the Commission's roadmaps;
- invites the Commission to present a legislative proposal for amending Regulation (EC) No 539/2001 as soon as it has assessed that each country meets the benchmarks set out in the Commission's roadmaps, with a view to achieving visa liberalisation for citizens of those countries as soon as possible;
- will examine a proposal for amending Regulation (EC) No 539/2001 concerning Albania and Bosnia and Herzegovina as a matter of urgency.

Territorial provisions: Iceland, Norway, Switzerland and Liechtenstein shall participate in the application of this regulation in that it constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded between the European Union. On the other hand, the United Kingdom and Ireland shall not participate in this act or be bound by it or subject to its application.

ENTRY INTO FORCE and APPLICATION: 19 December 2009.

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

2009/0104(CNS) - 12/11/2009 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 550 votes to 51 with 37 abstentions a legislative resolution amending, under the consultation procedure, 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. Parliament points out that the exemption from the visa requirement should also apply to Albania and Bosnia and Herzegovina after an assessment by the Commission that each meets all the benchmarks set in the relevant roadmap for visa liberalisation and in accordance with the Treaty, since Albania and Bosnia and Herzegovina have made further progress with regard to the majority of the relevant benchmarks since the assessment of the Commission in May 2009.

The main amendments were as follows:

Including Albania and Bosnia in the proposed exemption regime: Parliament recalls that the Commission initiated the current visa liberalisation dialogue with a regional approach and a European perspective, involving countries of the Western Balkans on an equal footing and without any discrimination. In this context, Albania and Bosnia and Herzegovina, should be transferred from Annex I to Annex II (visa exemption) of Regulation (EC) No 539/2001, together with the former Yugoslav Republic of Macedonia, Montenegro, Serbia. Members stipulate that the same criteria laid down in the roadmaps for visa liberalisation should be applied to all countries concerned.

Postponing visa exemption if criteria are not met: Parliament states that all the Western Balkan countries that have met the benchmarks should be admitted to the visa-free travel regime from the beginning of 2010. Those countries that, despite having made substantial progress, have not fully met the benchmarks should be granted the same privilege as soon as they meet the benchmarks as set out in the corresponding roadmaps for visa liberalisation. The exemption from the visa requirement should apply to Albania and Bosnia and Herzegovina after an assessment by the Commission that each meets all the benchmarks set in the relevant roadmap for visa liberalisation and after approval of that assessment by the Council. The

Commission should, without delay and no later than in the early 2010, present a report on the achievements made by Albania and Bosnia and Herzegovina in meeting all the benchmarks set in the roadmap. Parliament asks the Commission to assist the relevant authorities of Albania and Bosnia and Herzegovina in this respect.

Kosovo: lastly, with the aim of furthering the implementation of the Thessaloniki agenda and as part of its regional approach, the Commission, within the limits of its competence and in the light of UN Security Council Resolution 1244 (1999), should start a visa dialogue with Kosovo with a view to establishing a roadmap for visa facilitation and liberalisation similar to those established with Western Balkan countries.