Basic information

2016/0139(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Third countries whose nationals are subject to or exempt from a visa requirement: Kosovo Amending Regulation (EC) No 539/2001 2000/0030(CNS) **Subject** 7.10.04 External borders crossing and controls, visas **Geographical area** Kosovo under UNSCR 1244/1999	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	REUTEN Thijs (S&D)	10/10/2022
	Shadow rapporteur VINCZE Loránt (EPP) LOISEAU Nathalie (Renew) FRANZ Romeo (Greens/EFA) WIŚNIEWSKA Jadwiga (ECR) DALY Clare (The Left)	

Former committee responsible	Former rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	FAJON Tanja (S&D)	23/05/2016

Former committee for opinion	Former rapporteur for opinion	Appointed
AFET Foreign Affairs	LUNACEK Ulrike (Verts/ALE)	24/05/2016

Council of the European Union

Council configuration	Meetings	Date

	Justice and Home Affairs (JHA)	3465	2016-05-20

European Commission	Commission DG	Commissioner
	Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
04/05/2016	Legislative proposal published	COM(2016)0277	Summary
20/05/2016	Debate in Council		
06/06/2016	Committee referral announced in Parliament, 1st reading		
05/09/2016	Vote in committee, 1st reading		
05/09/2016	Rejection by committee to open interinstitutional negotiations with report adopted in committee		
09/09/2016	Committee report tabled for plenary, 1st reading	A8-0261/2016	Summary
30/08/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
10/09/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
13/09/2018	Results of vote in Parliament		
13/09/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72 - vote)		
27/03/2019	Debate in Parliament		
28/03/2019	Decision by Parliament, 1st reading	T8-0319/2019	Summary
28/03/2019	Results of vote in Parliament		
24/09/2019	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 73)		
12/01/2023	Approval in committee of the text agreed at early 2nd reading interinstitutional negotiations		
10/03/2023	Council position published	05103/1/2023	Summary
16/03/2023	Committee referral announced in Parliament, 2nd reading		
23/03/2023	Vote in committee, 2nd reading		
24/03/2023	Committee recommendation tabled for plenary, 2nd reading	A9-0076/2023	Summary
18/04/2023	Decision by Parliament, 2nd reading	T9-0096/2023	Summary
18/04/2023	Results of vote in Parliament		
19/04/2023	Final act signed		

25/04/2023	Final act published in Official Journal		

Technical information

Procedure reference	2016/0139(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision 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
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/9/01279

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE583.925	08/06/2016	
Amendments tabled in committee		PE585.474	27/06/2016	
Committee opinion	AFET	PE584.014	07/07/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0261/2016	09/09/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0319/2019	28/03/2019	Summary
Committee draft report		PE745.326	15/03/2023	
Committee recommendation tabled for plenary, 2nd reading		A9-0076/2023	24/03/2023	Summary
Text adopted by Parliament, 2nd reading		T9-0096/2023	18/04/2023	Summary

Council of the EU

Document type	Reference	Date	Summary
Council position	05103/1/2023	10/03/2023	Summary
Draft final act	00013/2023/LEX	19/04/2023	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0277	04/05/2016	Summary
Commission communication on Council's position	COM(2023)0138	10/03/2023	
Commission response to text adopted in plenary	SP(2023)260	05/07/2023	

National parliaments				
Document type	Parliament /Chamber	Reference	Date	Summary
Contribution	PT_PARLIAMENT	COM(2016)0277	02/03/2017	

Additional information		
Source	Document	Date
European Commission	EUR-Lex	

Meetings with interest representatives published in line with the Rules of Procedure

Rapporteurs, Shadow Rapporteurs and Committee Chairs

Transparency				
Name	Role	Committee	Date	Interest representatives
REUTEN Thijs	Shadow rapporteur	LIBE	08/02/2023	Ambassador of Kosovo
REUTEN Thijs	Rapporteur	LIBE	08/12/2022	Albin Kurti
REUTEN Thijs	Rapporteur	LIBE	26/04/2022	Instituut Clingendael

Final act
Regulation 2023/0850 OJ L 110 25.04.2023, p. 0001

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

2016/0139(COD) - 09/09/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Tanja FAJON (S&D, SI) on the proposal for a regulation of the European Parliament and of the Council 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 (Kosovo).

Parliament recommended the European Parliament to adopt its position at first reading, **taking over the Commission proposal**.

This proposal aims to amend Regulation (EC) No 539/2001 by transferring Kosovo from Annex I, Part 2 (visa-required list) to Annex II, Part 4 (**visa-free list**).

In the explanatory statement accompanying the report, it is recalled that the European Parliament has been a strong advocate and supporter of Kosovo and its European perspective, including with visa liberalisation process and has continuously called both on the Kosovar authorities to cooperate and fulfil required benchmarks, and on the Commission to help facilitate and accelerate the process. Visa-free regime presents one of the most tangible and concrete achievements for the country's European perspective and it brings about the realisation of free movement as one of the fundamental principles of the European projects.

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

2016/0139(COD) - 28/03/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 331 votes to 126, with 12 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council 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 (Kosovo).

Parliament adopted its position at first reading, taking over the Commission's proposal.

The proposal aims to amend Regulation (EC) No 539/2001 by transferring Kosovo from Annex I, Part 2 (list of territorial entities and authorities not recognised as States by at least one Member State whose nationals must be in possession of a visa when entering the territory of the Member States) to Annex II, Part 4 (list of territorial entities and authorities not recognised as States by at least one Member State and exempt from the visa requirement).

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.

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

2016/0139(COD) - 10/03/2023 - Council position

The Council adopted its position at first reading with a view to the adoption of the Regulation of the European Parliament and of the Council 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).

The proposed Regulation aims at **transferring the reference to ‘Kosovo’ from Annex I (list of countries subject to visa requirement) to Annex II (list of countries visa exempted)** in Regulation (EU) 2018/1806. As a consequence, holders of Kosovo biometric passports will enjoy visa-free travel for short stays (i.e. up to 90 days in any 180-day period) in the European Union.

The visa waiver will apply **from the date of entry into operation of the European Travel Information and Authorisation System** (ETIAS), established by Regulation (EU) 2018/1240 of the European Parliament and of the Council.

Acknowledging that the calendar for the entry into operation of EU IT systems is subject to revision, the Council Position at first reading makes clear that visa liberalisation will apply in any case **from 1 January 2024 at the latest**, should the start of operations of ETIAS be further delayed.

The Council's position at first reading also emphasises:

- the importance of Kosovo’s cooperation on readmission, notably via the conclusion of agreements or arrangements in this area with Member States, where these do not exist already, and this in full compliance with the principle of non-refoulement;

- the importance of the alignment of Kosovo’s visa policy with that of the Union, in order to prevent irregular migration towards the Schengen area.

Ireland is not taking part in the adoption of the Regulation and is not bound by it or subject to its application, as it constitutes a development of the provisions of the Schengen acquis in which Ireland does not take part.

Concerning Iceland, Norway, Switzerland and Liechtenstein, the Regulation constitutes a development of the provisions of the Schengen acquis.

As regards Cyprus, Bulgaria and Romania, the Regulation constitutes an act building upon, or otherwise relating to, the Schengen acquis within the meaning of the respective Acts of Accession.

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

2016/0139(COD) - 18/04/2023 - Text adopted by Parliament, 2nd reading

The European Parliament adopted a legislative resolution approving the Council's position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council 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).

The proposed Regulation aims to transfer the reference to ‘Kosovo’ from Annex I (list of countries subject to the visa requirement) to Annex II (list of countries exempt from the visa requirement) of Regulation (EU) 2018/1806. As a result, holders of Kosovo biometric passports will benefit from visa-free travel for short stays (i.e. up to 90 days within a period of 180 days) in the EU.

Visa liberalisation will take effect on 1 January 2024, in parallel with the launch of the European Travel Information and Authorisation System (ETIAS), which allows the digital processing of information on travellers entering the EU.

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

2016/0139(COD) - 24/03/2023 - Committee recommendation tabled for plenary, 2nd reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the recommendation for second reading contained in the report by Thijs REUTEN (S&D, NL) on the Council position at first reading with a view to the adoption of a regulation of the European Parliament and of the Council 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).

The competent committee recommended that the European Parliament approve the Council's position at first reading without amendment.

The Council's position at first reading reflects the agreement reached between the Parliament and the Council in the framework of the inter-institutional negotiations at the early second reading stage.

The proposed Regulation aims at **transferring the reference to 'Kosovo' from Annex I** (list of countries subject to visa requirement) **to Annex II** (list of countries visa exempted) in Regulation (EU) 2018/1806. As a consequence, holders of Kosovo biometric passports should enjoy visa-free travel for short stays (i.e. up to 90 days in any 180-day period) in the European Union.

The visa waiver should apply from the date of entry into operation of the European Travel Information and Authorisation System (ETIAS), established by Regulation (EU) 2018/1240 of the European Parliament and of the Council. Visa liberalisation would become effective as of 1 January 2024, in conjunction with the launch of the EU-wide European Travel Information and Authorisation Process (ETIAS) system which digitally processes details of those travelling into the bloc.