

P7_TA-PROV(2009)0062

Third-country nationals subject to or exempt from a visa requirement when crossing external borders *

A7-0042/2009 - Rapporteur: Tanja Fajon

European Parliament legislative resolution of 12 November 2009 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))

(Consultation procedure)

The European Parliament,

- having regard to the Commission proposal (COM(2009)0366),
 - having regard to Article 67 and Article 62(2)(b)(i) of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0112/2009),
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A7-0042/2009),
1. Approves the Commission proposal as amended;
 2. Approves the Joint Statement by the European Parliament and the Council annexed hereto;
 3. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
 4. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
 5. Calls on the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
 6. Instructs its President to forward its position to the Council and the Commission.

Amendment 1

Proposal for a regulation – amending act Recital 1

Text proposed by the Commission

(1) The composition of the lists of third countries in Annexes I and II to Regulation (EC) No 539/2001 of 15 March 2001 should be, and should remain, consistent with the criteria laid down in recital (5) thereto. Some **third** countries, for which the situation has changed as regards *these* criteria, should be transferred from one Annex to the other.

Amendment

(1) ***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.*** The composition of the lists of third countries in Annexes I and II to Regulation (EC) No 539/2001 of 15 March 2001 should be, and should remain, consistent with the criteria laid down in recital (5) thereto. Some ***of the Western Balkan*** countries (***Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia***), for which the situation has changed as regards *those* criteria, should be transferred from one Annex to the other. ***The same criteria laid down in the roadmaps for visa liberalisation should be applied to all countries concerned.***

Amendment 2

Proposal for a regulation – amending act Recital 1 a (new)

Text proposed by the Commission

Amendment

(1a) All of 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.

Amendment 3

**Proposal for a regulation – amending act
Recital 2**

Text proposed by the Commission

(2) With five Western Balkan countries – ***Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia*** – Visa Facilitation Agreements entered into force on 1 January 2008, as a first concrete step forward along the path set out by the Thessaloniki agenda towards a *visa free* travel regime for the citizens of Western Balkan countries. With each of *these* countries, a visa liberalisation dialogue was opened in 2008 and roadmaps for visa liberalisation have been established. In its assessment of the implementation of the roadmaps of May 2009, the Commission considered that the former Yugoslav Republic of Macedonia *has* met all the benchmarks set out in its roadmap. Montenegro and Serbia have met the large majority of the benchmarks of their respective roadmaps.

Amendment

(2) With five Western Balkan countries Visa Facilitation Agreements entered into force on 1 January 2008, as a first concrete step forward along the path set out by the Thessaloniki agenda towards a *visa-free* travel regime for the citizens of Western Balkan countries. With each of *those* countries, a visa liberalisation dialogue was opened in 2008 and roadmaps for visa liberalisation have been established. In its assessment of the implementation of the roadmaps of May 2009, the Commission considered that the former Yugoslav Republic of Macedonia *had* met all the benchmarks set out in its roadmap. Montenegro and Serbia have met the large majority of the benchmarks of their respective roadmaps. ***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.***

Amendment 4

**Proposal for a regulation – amending act
Recital 2 a (new)**

Text proposed by the Commission

Amendment

(2a) 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.

Amendment 5

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

Text proposed by the Commission

Amendment

(3a) With the aim of strengthening the stabilisation and association process, visa-free travel will improve participation in the common market, which is gradually being established with Albania, Bosnia and Herzegovina, Montenegro and the former Yugoslav Republic of Macedonia, and will contribute to trade, innovation and growth.

Amendment 14

Proposal for a regulation – amending act
Recital 4

Text proposed by the Commission

Amendment

(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.

(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. ***The former Yugoslav Republic of Macedonia, Montenegro and Serbia met all the benchmarks by the date of adoption of this Regulation. 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 in accordance with the Treaty. The*** visa waiver should apply ***only*** to holders of biometric passports issued by each of the ***five*** countries concerned.

Amendment 7

**Proposal for a regulation – amending act
Recital 4 a (new)**

Text proposed by the Commission

Amendment

(4a) 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.

Amendment 8

**Proposal for a regulation – amending act
Recital 4 b (new)**

Text proposed by the Commission

Amendment

(4b) Although Albania and Bosnia and Herzegovina have made progress towards meeting their respective benchmarks, the relevant authorities of Albania and Bosnia and Herzegovina should adopt, without delay, the necessary reforms to meet their respective benchmarks in full.

Amendment 9

**Proposal for a regulation – amending act
Recital 4 c (new)**

Text proposed by the Commission

Amendment

(4c) The Commission should assist the relevant authorities of Albania and Bosnia and Herzegovina in this respect.

Amendment 10

**Proposal for a regulation – amending act
Recital 5 a (new)**

Text proposed by the Commission

Amendment

(5a) The visa liberalisation process should serve as a reference for defining relations

with the Eastern partners of the European Union.

Amendment 11

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 references to Albania and Bosnia and Herzegovina are replaced by the following:

"Albania *

Bosnia and Herzegovina *

** The name of the country shall be deleted and transferred from this Annex to Annex II after an assessment by the Commission that the country in question meets all the benchmarks set in the roadmap for visa liberalisation and in accordance with the Treaty.";*

Amendment 12

Proposal for a regulation – amending act

Article 1 – point 2

Regulation (EC) No 539/2001

Annex II – part 1

Text proposed by the Commission

Amendment

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

2) In Annex II , Part 1, the following references *are* inserted:

"Albania *

Bosnia and Herzegovina *

"the former Yugoslav Republic of Macedonia *

the former Yugoslav Republic of Macedonia **

Montenegro *

Montenegro **

Serbia [excluding holders of Serbian passports issued by the Serbian Coordination Directorate (in Serbian: *Koordinaciona uprava*)]*

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".

**** The name of the country shall be transferred to this Annex from Annex I after an assessment by the Commission that the country in question meets all the benchmarks set in the roadmap for visa liberalisation and in accordance with the Treaty. The exemption from the visa requirement applies only to holders of biometric passports.***

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

Joint Statement by the European Parliament and the Council

The European Union strongly supports the goal of the abolishment of the visa regime for all the countries of the Western Balkans.

The European Parliament and the Council recognise that the former Yugoslav Republic of Macedonia, Montenegro and Serbia fulfil all conditions for visa liberalisation. This has allowed for the adoption of the amendments to Regulation (EC) No 539/2001 in due time to allow those three countries to join the visa-free regime by 19 December 2009.

The European Parliament and the Council express 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.

The European Parliament and the Council invite 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.

The European Parliament and the Council will examine a proposal for amending Regulation (EC) No 539/2001 concerning Albania and Bosnia and Herzegovina as a matter of urgency.