

Excerpts from EU policy documents

Updated 13 July 2011

European Council Conclusions

Brussels, 23-24 June 2011

22. A mechanism should be introduced in order to respond to exceptional circumstances putting the overall functioning of Schengen cooperation at risk, without jeopardising the principle of free movement of persons. It should comprise a series of measures to be applied in a gradual, differentiated and coordinated manner in order to assist a Member State facing heavy pressure at the external borders. These could include inspection visits and technical and financial support, as well as assistance, coordination and intervention from Frontex.

As a very last resort, in the framework of this mechanism, a safeguard clause could be introduced to allow the exceptional reintroduction of internal border controls in a truly critical situation where a Member State is no longer able to comply with its obligations under the Schengen rules. Such a measure would be taken on the basis of specified objective criteria and a common assessment, for a strictly limited scope and period of time, taking into account the need to be able to react in urgent cases. This will not affect the rights of persons entitled to the freedom of movement under the Treaties.

The Commission is invited to submit a proposal for such a mechanism in September.

Justice and Home Affairs Council – Conclusions

Luxembourg, 9-10 June 2011

9. The Council is committed to the further development of a balanced visa policy in order to effectively tackle illegal migration as well as enhance the mobility of bona fide travellers. In this regard the Council **takes note of the Commission's recent proposal to amend Council Regulation (EC) No 539/2001 in order to make provision, inter alia, for a visa safeguard clause.** The Council also notes the substantial progress made by the Commission and Member States in the development of the Visa Information System, which will allow the start of operations in October 2011. In case of visa liberalization, the Council stresses the importance of a continued monitoring mechanism in appropriate cases which covers inter alia border management, document security, combating organised crime and corruption, effective implementation of readmission agreements and management of migration flows between the EU and the countries concerned.

European Commission Post-Visa Liberalisation Monitoring Report, assessing the progress made by the Western Balkan countries in continuing the visa roadmap reforms. It encourages further and stronger efforts from the countries concerned, and suggests additional actions from information campaigns to increased checks at the border.

Brussels, 30 May 2011

Based on the monitoring that has been carried out in the last six months, the following conclusions can be made:

- (1) It is important to note that the majority of travellers from the countries concerned are **bona fide travellers** and thus the original objective of the visa liberalisation dialogues - to facilitate people to people contacts, enhance business opportunities and cultural exchanges and give the possibility for the people of the region to get to know the EU better- is being fulfilled.
- (2) Implementation of the reforms by the Western Balkan countries continued, but **continuous** and in some cases **reinforced efforts** are needed from the authorities to maintain/strengthen the positive achievements of the visa liberalisation dialogues. This is of key importance not only for the **credibility** of the whole **visa dialogue process**, for which substantial efforts were made by the countries of the region, but also for progress in the framework of the Stabilisation and Association Process.
- (3) The current problem of the high numbers of unfounded asylum applications in certain Member States appears to relate to large extent to the situation of **minority populations** in their country of origin, as the large majority of these persons are of Roma origin with extremely poor living conditions and no prospect of improvement in the near future. Their main reason for leaving their country of origin is economic, based on false perceptions of financial advantages that they will acquire by requesting asylum in certain Member States.
- (4) The overall evaluation of the implementation of the EU Readmission agreements with all the countries is quite positive. Only a few concerns were signalled by a limited number of Member States. Those points have been addressed both in the framework of the readmission committee meetings and on a bilateral basis in particular for the countries concerned by rising illegal migration flows.

The countries of the region appear to be committed to finding solutions to the current problems as keeping the achievement of visa free travel is of crucial importance. Through the inter-ministerial committees that were established for this purpose, a number of immediate measures have been taken over the past months; the committees are working together with the Commission and the relevant Member States to put in place additional measures that are deemed necessary. It is clear that their impact on the ground may take some time to become visible in the monitoring mechanism.

On the basis of the above conclusions, it appears appropriate to identify the following actions as necessary follow-up measures:

- (1) **Continued and enhanced cooperation** with the authorities of the Western Balkan countries is necessary to monitor and overcome the difficult situation faced by some EU Member States. This cooperation should be based on regular information exchange between Commission, Member States most frequently targeted by these asylum requests and the countries of the region.

(2) **Continuing targeted information campaigns** both by the countries concerned and by the Commission with the participation of the EU Delegations and targeted Member States. The Commission services will develop a specific information tool that could be used for the information campaigns and can be continuously distributed via the EU Delegations. Apart from describing the rights and obligations of visa free travel, this information material should also clearly explain that the abuse of rights under the visa free regime will not produce financial benefits to the person concerned.

(3) **Increasing and targeting assistance to minority populations**, in particular Roma communities, in the countries of origin. This should include assistance of the authorities of the concerned countries, available EU assistance and bilateral assistance of Member States. The Commission services are ready to put additional emphasis on further strengthening its assistance provided under TAIEX and the Instrument for Pre-Accession (IPA).

(4) Encouraging the countries of origin and transit States to **increase controls at borders**, in line with the Schengen acquis, with a view to avoiding – as far as possible - abuse of the visa free travel. For this purpose, Frontex could facilitate cooperation and exchange of information between all parties concerned.

(5) **Entry bans**: the Commission services will continue consultation with the relevant EU Member States and with the countries of origin to find a durable solution to the current situation. In cases of repeated or particularly serious noncompliance of an individual with EU migration rules, Member States can issue entry bans in accordance with Directive 2008/115/EC. Such entry bans should always be entered into the Schengen Information System (SIS).

[European Commission proposal to amend Council Regulation 539/2001 in order to introduce the option of suspending visa-free travel \(safeguard clause\)](#)
Brussels, 24 May 2011

Article 1a – Safeguard clause

1. Paragraphs 2 to 5 of this Article shall apply in the event of one or more Member States being confronted by an emergency situation characterised by the occurrence of any of the following:

(a) a sudden increase of at least 50%, over a six month period, in the number of nationals of a third country listed in Annex II found to be illegally staying in the Member State's territory, in comparison with the previous six month period;

(b) a sudden increase of at least 50%, over a six month period, in comparison with the previous six month period, in the number of asylum applications from the nationals of a third country listed in Annex II for which the recognition rate of asylum applications was less than 3% over that previous six month period;

(c) a sudden increase of at least 50%, over a six month period, in the number of rejected readmission applications submitted by a Member State to a third country listed in Annex II for its own nationals, in comparison with the previous six month period.

2. A Member State which is confronted by any of the emergency situations described in paragraph 1 may notify the Commission. This notification shall be duly motivated and shall include relevant data and statistics as well as a detailed explanation of the preliminary measures that the Member State concerned has taken with a view to remedying the situation.

3. The Commission shall examine the notification taking into account the number of Member States affected by any of the situations described in paragraph 1 and the overall impact of the increases on the migratory situation in the Union as the latter appears from the data provided by the Member States as well as from reports prepared by FRONTEX and/or the European Asylum Support Office, and, within three months following receipt thereof, the Commission may adopt an implementing decision suspending the exemption of visa requirement for the nationals of the third country concerned for a period of six months. The implementing decision shall be adopted in accordance with the procedure referred to in Article 4a (2). The implementing decision shall determine the date on which the suspension of the exemption of visa requirement is to take effect.

4. Before the end of the period of validity of the implementing decision adopted pursuant to paragraph 3, the Commission, in cooperation with the Member State(s) concerned, shall submit a report to the European Parliament and the Council. The report may be accompanied by a proposal amending this Regulation in order to transfer the third country concerned to Annex I.

5. Where the Commission has proposed an amendment to this Regulation in order to transfer a third country to Annex I pursuant to paragraph 4, it can extend the validity of the implementing decision adopted pursuant to paragraph 3 for a period of maximum nine months. The decision to extend the validity of the implementing decision shall be adopted in accordance with the procedure referred to in Article 4a (2).

Justice and Home Affairs Council
Luxembourg, 11-12 April 2011

Visa facilitation agreements

The Council adopted three decisions authorising the Commission to open negotiations with the Russian Federation, Ukraine and the Republic of Moldova for the conclusion of agreements on the issuance of visas which amend the visa facilitation agreements currently in force between the European Union and these countries.

Justice and Home Affairs Council
Brussels, 24-25 February 2011

EU-Turkey readmission agreement

Ministers reached political agreement on a draft EU-Turkey readmission agreement. The Commission may now proceed to initial the draft agreement with Turkey.

Three more procedural steps have subsequently to be taken before the agreement can enter into force: the Council needs to sign the agreement with Turkey and the European Parliament needs to give its consent before the Council can adopt a decision to conclude the agreement.

Along with the political agreement on the file, the Council adopted [conclusions](#) and the Commission and several member states entered a number of statements.

More information in the [background note](#), p. 3.

Post-visa liberalisation mechanism for the Western Balkans

The committee took note of the recent establishment of a follow-up mechanism to the visa liberalisation process for the Western Balkan countries by the Commission.

In November 2010, the Council decided that citizens of Albania and Bosnia and Herzegovina possessing biometric passports would be able to travel to and throughout the Schengen area without a visa. The former Yugoslav Republic of Macedonia (FYROM), Montenegro and Serbia joined the visa-free regime in December 2009.¹ It applies to stays of up to 90 days.

General Affairs Council **Brussels, 14 December 2010**

The Council welcomes the amendments to Council Regulation (EC) No 539/2001, as it applies to Member States, so as to establish a visa-free regime for the citizens of Albania and Bosnia and Herzegovina starting from 15 December 2010. This demonstrates that the implementation of concrete reforms brings tangible results to the citizens. The Council considers that further efforts are needed by the countries concerned to inform their citizens about the scope and limits of the visafree regime, to monitor closely its implementation and, where required, take adequate corrective measures. In this respect, the Council welcomes the statement entered in the minutes of the Council meeting of 8 November 2010 and encourages the Commission to continue to closely monitor the implementation of all conditions set for the visa liberalisation, through its follow-up mechanism, including reporting regularly to the Council and the European Parliament

The Council reaffirms that Kosovo will also benefit from the perspective of eventual visa liberalisation once all conditions are met. The Council underlines that further progress in the area of justice, freedom and security is essential. The Council takes note of the recent progress Kosovo made in adopting the legislation on readmission, in devising an Action Plan on reintegration of returnees underpinned with earmarked resources. The Council takes note of the Commission's intention to launch a visa liberalisation dialogue once all conditions are met and the Commission's intention, before launching such a dialogue, to share its assessment with the Council on the fulfilment of these conditions.

Justice and Home Affairs Council **Brussels, 8-9 November 2010**

Visa liberalisation for Albania and Bosnia and Herzegovina

Citizens of Albania and Bosnia and Herzegovina possessing biometric passports will be able to travel to and throughout the Schengen area without a visa. That is the result of a unanimous decision by the Council which amends regulation No 539/2001 ([PE-CONS 50/10](#)). The European Parliament gave its green light to the amendments on 7 October 2010.

The visa free regime concerns stays of up to 90 days. Concerning the entry into force, article 2 of the adopted text reads: "on the day following that of its publication in the Official Journal of the European Union". This is expected to occur in mid-December.

With this decision Albania and Bosnia and Herzegovina join the former Yugoslav Republic of Macedonia (FYROM), Montenegro and Serbia who already enjoy a visa free regime since 19 December 2009.¹

The Commission entered a statement to the minutes of the Council meeting on the establishment of a follow-up mechanism to the visa liberalisation process for the Western Balkan countries. This follow-up mechanism concerns the monitoring of the reforms which these countries need to continue to carry out. It also introduces emergency consultation arrangements so that the European Union and its member states can, in cooperation with the authorities of the countries concerned, react in the best possible conditions to any specific difficulties which might arise with flows of persons from the countries of the Western Balkans. This includes that the Commission may if necessary propose the suspension of visa free travel. The Commission will report back regularly to the Council and the European Parliament.

[...]

¹ The amended regulation from late 2009 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 ([15521/09](#)).

Foreign Affairs Council – Conclusions **Luxembourg, 25 October 2010**

Bosnia and Herzegovina - Council Conclusions

Reiterating its support to the objective of visa liberalisation on the basis of fulfilment of all benchmarks and recalling the European Parliament's vote on this issue on 7 October, the Council underlined its intention to take a decision on 8 November.

DRAFT REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL **amending Council 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** **28 October 2010**

The text of the draft regulation can be found [here](#).

Position of the European Parliament adopted at first reading on 7 October 2010 with a view to the adoption of Regulation (EU) No .../2010 of the European Parliament and of the Council amending Council 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.

EP-PE_TC1-COD(2010)0137

7 October 2010

The text of the position can be found [here](#).

Report 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 of Member States and those whose nationals are exempt from that requirement

(COM(2010)0256 – C7-0134/2010 – 2010/0137(COD))

A7-0256/2010

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Tanja Fajon

30 September 2010

The text of the legislative resolution can be found [here](#).

Foreign Affairs Council – Conclusions

Luxembourg, 14 June 2010

Council Conclusions on the Western Balkans

Recalling its previous conclusions according to which the EU strongly supports the goal of the abolishment of the visa regime for all the countries of the Western Balkans, as well as the joint statement of the European Parliament and the Council of 30 November 2009, the Council welcomes the progress achieved by Albania and Bosnia and Herzegovina in reaching the criteria of visa liberalisation, as stressed in the Commission proposal of 27 May 2010 for a European Parliament and Council decision to amend Regulation 539/2001, as it applies to Member States. The Council and the European Parliament will take a decision as soon as the Commission assesses that all the outstanding benchmarks are met and in the light of such assessment.

Justice and Home Affairs Council

Luxembourg, 3/4 June 2010

Visa liberalisation for the Western Balkans

The issue of visa liberalisation for the Western Balkans was discussed and the Commission reported on the adoption of a proposal to modify Regulation 539/2001 in order to extend visa liberalisation to Albania and Bosnia and Herzegovina.

Delegations welcomed the presentation of the proposal and expressed the hope that it would be possible to adopt it quickly once the two countries concerned meet the outstanding benchmarks under the visa liberalisation dialogue.

The Council decided in November 2009 to amend this regulation and to grant visa free travel to and throughout the Schengen area for citizens of the former Yugoslav Republic of Macedonia, Montenegro and Serbia (15521/09). The visa waiver became effective on 19 December 2009 to holders of biometric passports.

High Level Meeting on the Western Balkans – Statement by the Chair **Sarajevo, 2 June 2010**

"The participants welcomed the European Union's intention to extend visa liberalisation to all the people of the Western Balkans, once conditions are met. In this context, they welcomed the Commission's proposal to extend the visa free regime to the citizens of Albania and Bosnia and Herzegovina."

European Commission: Proposal for an European Parliament and 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 **27 May 2010, COM (2010) 256**

"In proposing this amendment to Regulation (EC) No 539/2001 as last amended by Regulation (EC) No 1244/2009, the Commission is pursuing the following objectives:

(...)

– transferring Albania and Bosnia and Herzegovina [meeting all the benchmarks by the date of adoption of the present Regulation] from the Annex I to the Annex II of the Regulation. This visa waiver should only apply to holders of biometric passports issued by each of these two countries"

General Affairs Council – Conclusions on Enlargement/ Stabilisation and Association Process **Brussels, 7-8 December 2009**

Western Balkans

28. The Council is very pleased to have decided on the amendments to Council Regulation 539/2001, as it applies to Member States, so as to establish a visa free regime for the citizens of the former Yugoslav Republic of Macedonia, Montenegro and Serbia starting from 19 December 2009. This demonstrates that the implementation of concrete reforms brings tangible benefits for citizens. The Council encourages the Commission to table similar proposals for Albania and Bosnia and

Herzegovina as soon as it has assessed that each country meets the benchmarks set out in the Commission's roadmaps.

29. The Council stresses that Kosovo should also benefit from the perspective of eventual visa liberalisation [3] once all conditions are met and invites the Commission to move forward with a structured approach to bring the people of Kosovo closer to the EU.

The Stockholm Programme – An open and secure Europe serving and protecting the citizens
Brussels, 2 December 2009

“In the Western Balkans, Stabilisation and Association Agreements are progressively entering into force and notable progress has been made in the area of visa policy, with visa facilitation and readmission agreements in place and a comprehensive visa liberalisation dialogue already achieved for some countries and still under way for others. Further efforts, including use of financial instruments, are needed to combat organised crime and corruption, to guarantee fundamental rights and to build administrative capacities in border management, law enforcement and the judiciary in order to make the European perspective a reality.”

Justice and Home Affairs Council
Brussels, 30 November/1 December 2009

"Visa liberalisation for Western Balkans countries

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 ([15521/09](#)). 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.

"Albania and Bosnia and Herzegovina 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 (see full text below). 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.

"The visa liberalisation dialogue with the countries of the Western Balkans was launched in early 2008. The Commission presented a proposal to amend regulation 539/2001 in July 2009, and the European Parliament delivered its opinion on 12 November 2009.

"The text of the joint political declaration of the European Parliament and the Council reads:

"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."

Justice and Home Affairs Council – Legislative act

[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](#)

Brussels, 30 November 2009

The text of the legislative act can be found [here](#).

[EU/Western Balkans Ministerial Forum on Justice and Home Affairs – Conclusions](#)

Brussels, 16-17 November 2009

"The questions relating to visa and mobility received high attention, with the Commission having proposed to the Council that the visa obligation be lifted for citizens of the former Yugoslav Republic of Macedonia, Serbia and Montenegro. The Forum welcomed the Commission proposal and looked forward to its swift adoption by the Council. The adoption of the proposal will demonstrate that reforms bring tangible benefits for citizens.

"The Commission highlighted the good progress that has been made regarding the continued visa dialogue with Albania and Bosnia and Herzegovina. The Commission has already further intensified its efforts to assist these countries with a view to helping them meet the benchmarks. It will propose lifting the visa obligation as soon as they have met the necessary benchmarks.

"The Forum took note of the Commission's proposal to move forward with a structured approach to bring Kosovo's citizens closer to the EU through a visa dialogue with the perspective of eventual visa liberalisation when the necessary reforms will have been undertaken and the conditions met."

[European Parliament opinion: Third-country nationals subject to or exempt from a visa requirement when crossing external borders](#)

A7-0042/2009 - Rapporteur: Tanja Fajon

(Consultation procedure)

12 November 2009

The text of the legislative resolution can be found [here](#).

Joint Statement by the European Parliament and the Council
(annexed to the European Parliament opinion above)
12 November 2009

"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."

Commission Communication, Enlargement Strategy and Main Challenges 2009-2010
14 October 2009, COM(2009) 533 final

"The establishment of a visa-free regime for the former Yugoslav Republic of Macedonia, Montenegro and Serbia at the beginning of 2010, based on the Commission's proposal, will demonstrate that reforms bring tangible benefits for citizens. The Commission will table similar proposals for Albania and Bosnia and Herzegovina by mid-2010, provided these countries meet the conditions set."

Achieving visa-free travel

"The process of visa liberalisation for the Western Balkan countries, in line with the Thessaloniki Agenda commitment, has entered its decisive phase. Visa facilitation agreements have been implemented with all countries concerned since January 2008, in parallel with readmission agreements. The roadmaps adopted in 2008 for each country in the context of the visa liberalisation dialogue proved to be successful drivers for accelerating reforms in the relevant areas, notably document security, border and migration management, and the fight against corruption and organised crime. Taking account of progress achieved by each country in meeting the relevant benchmarks for visa liberalisation, the Commission proposed in July 2009 that a visa-free regime be established for the former Yugoslav Republic of Macedonia, Montenegro and Serbia. Establishing a visa-free regime by the beginning of 2010 will be an important contribution to people-to-people contacts demonstrating to the citizens of the countries concerned that reforms linked to the European perspective provide tangible benefits. The Commission will table proposals for Albania and Bosnia and Herzegovina, by mid-2010, provided these countries meet the conditions set. The study on Kosovo to be adopted together with this Communication proposes that visa facilitation should continue to be promoted and a process should be launched for Kosovo, aiming at eventual visa liberalisation when the necessary reforms will have been undertaken and the conditions met."

"The EU supports the economic and political development of Kosovo through a clear European perspective, in line with the European perspective of the region. [...] the Commission, in parallel

with the present Strategy Paper, has approved a Communication entitled "Kosovo* – Fulfilling its European Perspective". This study [...] proposes a structured approach to bring Kosovo's citizens closer to the EU, including through a visa dialogue with the perspective of eventual visa liberalisation."

Communication from the Commission to the European Parliament and the Council:
"Kosovo - Fulfilling its European Perspective"
(The so-called "Kosovo Study")
Brussels, 14 October 2009

Part 6: BRINGING KOSOVO CITIZENS CLOSER TO THE EU

"A number of countries in the region have made substantial progress in the area of freedom of movement. In return for agreements on re-admission, they have been able to benefit from visa facilitation agreements with the EU. Visa liberalisation roadmaps have provided crucial guidance on issues such as the security of documents, the fight against organised crime, migration and border security. Progress has been monitored and evaluated through dialogue at senior official level. The prospect of visa-free travel has been a powerful incentive for these countries to carry out reforms. As a result, the Commission has proposed the relevant Council Regulation¹ be amended to make citizens of the former Yugoslav Republic of Macedonia, Montenegro and Serbia eligible for visa-free travel to the EU as from January 2010. Citizens from Albania and Bosnia and Herzegovina could also benefit from this as soon as these countries meet the remaining requirements.

Kosovo started issuing its own passports in July 2008. The process for individual Kosovo citizens to apply for visas has been made easier. Most EU Member States use the flexibility offered by EU legislation to simplify procedures to issue short-stay visas to individual Kosovo residents.

Kosovo citizens need to share further in the benefits of EU approximation, including the possibility to travel visa-free in the EU. This is only possible if Kosovo can ensure that relevant reforms are implemented and rules and procedures are respected so as to minimise the associated security risks for EU Member States. The starting point for these reforms is properly functioning readmission arrangements. Kosovo needs to adapt its legislation, strengthen its administrative capacity to process readmission requests and implement an effective reintegration strategy. It also needs to enhance the security of its borders and secure the management of civil registries and the issuance of documents.

The Commission proposes to move forward with a structured approach to bring Kosovo's citizens closer to the EU through a visa dialogue with the perspective of eventual visa liberalisation when the necessary reforms will have been undertaken. Based on a thorough assessment the Commission proposes to draft a comprehensive strategy to guide Kosovo's efforts to meet the EU's requirements for visa liberalisation. This strategy will set benchmarks to measure Kosovo's progress in the context of a visa dialogue and will be presented to the Council for information.

The Commission will regularly assess Kosovo's progress in the implementation of the strategy, drawing on evaluation missions by Member State and Commission experts. The Commission will support Kosovo in the implementation of its strategy through technical and financial assistance. In addition, within the wider framework of the rule of law and as a corollary to EULEX's activities, the Commission will explore the possibility of involving Kosovo in judicial cooperation initiatives at the regional level. The arrangements for Kosovo to cooperate and be associated with the work of Europol, Eurojust and Frontex require further examination, including through the possible involvement of EULEX."

European Commission: 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
15 July 2009, COM (2009) 366

"In proposing this amendment to Regulation (EC) No 539/2001 as last amended by Regulation (EC) No 1932/2006, the Commission is pursuing the following objectives:
(...)

– 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."

The full text of the proposal can be found [here](#).

General Affairs and External Relations Council - Conclusions
Luxembourg, 15/16 June 2009

"VISA LIBERALISATION

"The Council restates its support for the dialogue on visa liberalisation with Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia, based on the roadmaps containing clear and realistic benchmarks and on a country-by-country assessment. The Council recalls that the countries concerned should continue to focus on full implementation of these benchmarks.

"In this regard, the Council welcomes the updated assessment reports presented by the European Commission on the progress in the visa liberalisation dialogues with these countries. The reports reflect the clear progress made by these countries in meeting the benchmarks set out in the visa liberalisation roadmaps. In this context, the Council encourages the European Commission to present as soon as possible a legislative proposal amending Regulation 539/2001, as it applies to the Member States, in order to achieve a visa free regime ideally by the end of 2009 with those countries that will have met all the benchmarks.

"Acknowledging the significance of visa liberalisation for the Western Balkans region, the Council underlines the importance of all the countries concerned achieving a visa free regime by their own merits. Therefore, the Council welcomes the progress achieved so far and calls for the countries in the region to further accelerate and implement reforms to fulfil soon the necessary benchmarks."

General Affairs and External Relations Council - Conclusions
Brussels, 8/9 December 2008

"The Council restates its support for the dialogue on visa liberalisation with Albania, the former Yugoslav Republic of Macedonia, Bosnia and Herzegovina, Montenegro and Serbia, based on the roadmaps containing clear and realistic benchmarks. It invites the countries concerned to focus on full implementation of these benchmarks. The Council and Commission will closely monitor the process, based on country-by-country assessment."

General Affairs and External Relations Council - Conclusions
Luxembourg, 16/17 June 2008

"Roadmaps for visa liberalisation

"The Council welcomed the presentation of the roadmaps for Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia, in order to gradually advance towards visa liberalisation and as a clear sign of the political commitment of the EU for the visa free travel for the citizens of the Western Balkans. It called on these countries to focus now on the full implementation of the requirements contained in the roadmaps. The Council and the Commission will closely monitor the process."

Commission Communication, Western Balkans: Enhancing the European perspective
5 March 2008, COM (2008) 127 final

"Towards visa-free travel

"Visa-free travel to the EU is of considerable importance to the people of the Western Balkans. Citizens of the Western Balkan countries, except Croatia, still need visas to enter the EU. Moving towards a visa-free regime is part of the preparations for EU membership, which includes eventually becoming part of the Schengen area. At the same time, steps towards liberalisation of travel need to take into account the internal security and migration interests of the EU. They are, therefore, conditional on necessary reforms by the Western Balkan countries."

"As a first step towards visa liberalisation, the Commission has negotiated visa facilitation agreements with the Western Balkan countries. These were signed in September 2007 and entered into force on 1 January 2008. The agreements substantially improve the conditions for obtaining visas for travel to the EU: they establish a reduced fee for obtaining a visa (€35 instead of €60) and exempt broad categories of persons from these fees. They set time-limits for issuing a visa (normally 10 days) and simplify and clarify the procedures for issuing a visa to certain categories of persons. The facilitation agreements are linked to readmission agreements that were negotiated and concluded in parallel, and to the introduction of biometrics."

"The Western Balkan countries and the Member States need to ensure proper implementation of the visa facilitation and readmission agreements. Joint committees will be established to monitor implementation; they will meet in spring 2008. These committees will adopt guidelines for the Member States' consulates to ensure even application of the agreements."

"In line with the Thessaloniki agenda and the June 2007 Council (GAERC) conclusions, the Commission is taking steps towards preparing for visa liberalisation with the Western Balkans. In its enlargement strategy paper of November 2007, the Commission announced its intention to start a dialogue with each country with a view to establishing road-maps on the conditions to be met for lifting the visa requirement."

"The Council in its conclusions of 28 January 2008 welcomed the intention of the European Commission to launch soon a visa dialogue with all the countries in the region. It expressed its readiness to further discuss this issue, based on the present Communication, with a view to defining detailed roadmaps setting clear benchmarks to be met by all the countries in the region in order to gradually advance towards visa liberalisation."

"The Commission started visa liberalisation dialogues with Serbia in January and with the former Yugoslav Republic of Macedonia and Montenegro in February. The dialogue with Albania will start in early March. Bosnia and Herzegovina will follow."

"Road-maps will be drawn up by the Commission in consultation with the Council. The Western Balkan countries will provide input in this context. The road-maps will cover four sets of issues: document security, illegal migration, public order and security as well as external relations. The

road-maps will be tailor-made to allow each country to focus reform efforts and address the EU's requirements. The Commission's intention is to finalise the roadmaps as soon as possible after the launching of each dialogue, in order for the necessary reforms to start being implemented promptly."

"The speed of movement towards visa liberalisation will depend on each country's progress in fulfilling the benchmarks. For the whole process, the countries' capacity to ensure correct and effective implementation of the visa facilitation and readmission agreements will also be taken into consideration. The Commission will provide financial and technical assistance to support implementation of the road-maps."

"The Commission and the Council will closely monitor progress in the relevant reforms. Once the conditions for each country have been fulfilled, the Commission will propose to the Council the lifting of the respective visa obligation, by amending Council Regulation 539/2001."

General Affairs and External Relations Council - Conclusions

Brussels, 28 January 2008

"VISA FACILITATION AND READMISSION AGREEMENTS

"The Council welcomed the entry into force of the visa facilitation and readmission agreements with Albania,[2] Bosnia and Herzegovina, Montenegro, Serbia and the former Yugoslav Republic of Macedonia on 1 January 2008. They will foster more people-to-people contacts and increase the economic ties between the EU and the region."

"Recalling its conclusions of 10 December 2007, the Council also welcomed the intention of the European Commission to launch soon a visa dialogue with all the countries in the region and expressed its readiness to further discuss this issue, based on the Commission's forthcoming Communication on the Western Balkans, with a view to define detailed roadmaps setting clear benchmarks to be met by all the countries in the region in order to gradually advance towards visa liberalisation. This would enable the Council and the Commission to closely monitor progress in necessary reforms."

(...)

"ANNEX

"Invitation of the European Union to Sign an interim Political Agreement on Cooperation with Serbia

"(...) The European Union will continue to reach out to the people of Serbia and recognises the importance of making it easier for Serbians to travel in the European Union. To this end the Commission will start a dialogue on visa liberalisation."

General Affairs and External Relations Council - Conclusions

Brussels, 10 December 2007

"The Council welcomed the Commission's intention to present a communication early in 2008, in which it takes stock of developments and points the way forward in following up the Thessaloniki Agenda, as well as the Salzburg communication, on promoting the course of the countries of the Western Balkans towards the EU. In this context, the Council invited the Commission to further explore possibilities to promote people-to-people contacts as well as civil society development."

"Recalling its 18 June conclusions, the Council expressed its readiness to hold a discussion during the first half of 2008 on these issues, based on the Commission's communication, as well as on Member States' contributions."

Commission Communication, Enlargement Strategy and Main Challenges 2007-2008
6 November 2007, COM(2007) 663 final

"Easier travel to the European Union is an issue of utmost importance to the peoples and governments of the Western Balkans. In Thessaloniki, the EU recognised this fact and committed to steps for achieving this goal. Steps towards liberalising travel need to take into account the internal security and migration interests of the EU. A visa-free regime has been in place with Croatia for many years. The Commission recently negotiated visa facilitation agreements together with readmission agreements with the other countries of the region. These were signed in September and are expected to be approved by the Council shortly, so that they can enter into force on 1 January 2008. The agreements will improve substantially the conditions for obtaining visas for travel to the EU. It is important that Member States ensure their proper implementation."

"The facilitation agreements are an important step towards full liberalisation of the visa regime. The Commission considers that it is now time to gradually move towards visa liberalisation with the Western Balkan countries through further concrete steps. To that end the Commission proposes to open a dialogue with each of the countries concerned with a view to establishing a road-map on the conditions to be met. These would cover effective implementation of readmission agreements, as well as progress on key areas such as border management, document security, or the fight against organised crime. Such road-maps will allow the countries concerned to better focus their reform efforts, while also reinforcing the visibility of the EU's commitment to the peoples of the region."

General Affairs and External Relations Council - Conclusions
Luxembourg, 18 June 2007

"VISA FACILITATION AND READMISSION AGREEMENTS

"8. The Council welcomed the initialling of the agreements on visa facilitation and readmission with Albania, [1] Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia. The conclusion of such agreements will promote people-to-people contacts between the EU and the Western Balkan countries and will increase the opportunities for travelling, especially for the younger generation."

"9. Recalling the Thessaloniki Agenda, the Council also acknowledged the importance the people of the Western Balkans attach to the perspective of visa-free movement. In this respect, it welcomed the efforts of the Commission to take these issues forward in concrete terms. Furthermore, the Council underlined the desirability of promoting people-to-people contacts by also making available more scholarships for the students of the region."

"10. Therefore the Council looks forward to a prompt conclusion of all necessary procedures to ensure that the agreements enter into force as soon as possible."

European Council – Conclusions
Brussels, 14/15 December 2006

"The European Council welcomes the launch of visa facilitation and readmission negotiations with all the countries of the region with a view to concluding the negotiations as soon as possible. The conclusion of such agreements will promote people-to-people contacts between the EU and the

Western Balkan countries and will increase the opportunities for travelling, especially for the younger generation. Recalling the Thessaloniki Agenda, the European Council also acknowledges the importance the people of the Western Balkans attach to the perspective of visa-free movement. Furthermore, the European Council underlines the desirability of promoting people-to-people contacts by also making available more scholarships for the students of the region."

General Affairs and External Relations Council - Conclusions **Brussels, 13/14 November 2006**

"VISA FACILITATION AND READMISSION AGREEMENTS

"1. Recalling the European Council conclusions of June 2006, the Council adopted the negotiation mandates for visa facilitation and readmission agreements with Bosnia and Herzegovina, former Yugoslav Republic of Macedonia, Montenegro and Serbia. The Council also adopted the negotiation mandate for a visa facilitation agreement with Albania, recalling that the EU already has a readmission agreement with Albania."

"2. The Council urged the Commission to start the negotiations in the course of November, and expressed its confidence that the negotiations could be concluded as soon as possible. The conclusion of these agreements will be important in fostering people to people contacts between the Western Balkan countries and the EU."

"3. Recalling the Thessaloniki agenda, the Council reiterated that the EU is aware of the particular importance the peoples in the Western Balkans attach to the visa issue. It underlined that visa facilitation and readmission agreements will be an important and necessary step forward. The Council also noted that further progress will depend on implementing relevant reforms and encouraged the countries of the Western Balkans to step up their efforts in implementing reforms in the area of rule of law, combating organised crime, corruption and illegal migration, and strengthening their administrative capacity in border control and security of documents."

European Council – Conclusions, Declaration on the Western Balkans **Brussels, 15/16 June 2006**

"The European Council is conscious that the question of visa facilitation is particularly important for the people of the countries of the region. The European Union therefore hopes to adopt negotiation mandates for visa facilitation and readmission agreements in the course of this year, in line with the common approach to the development of the EU policy on visa facilitation agreed in December 2005, so that negotiations can be concluded as soon as possible, ideally in 2007 or earlier where possible."

Salzburg Declaration **Informal meeting of EU and Western Balkan foreign ministers** **Salzburg, 11 March 2006**

"The participants welcomed the Commission's Communication 'The Western Balkans on the road to the EU: consolidating stability and raising prosperity', and expressed their intention to take forward its implementation. The EU will continue assisting the Western Balkan countries through practical measures to make the European perspective more tangible. In this context, the participants (...) look

forward to the Commission's proposals on people to people contacts, including visa facilitation in line with the common approach (...). In order to master the challenges that the region faces in 2006 and beyond, the EU is determined to fully implement the commitments given in the Thessaloniki agenda."

**Commission Communication, [The Western Balkans on the road to the EU: consolidating stability and raising prosperity](#)
27 January 2006, COM (2006) 27 final**

"Visa policy and measures relating to the facilitation of movement of persons"

"In Thessaloniki, the EU recalled the importance the peoples and governments in the Western Balkans attach to the perspective of liberalisation of the visa regime. The Union noted that progress was dependent on these countries implementing major reforms in areas such as strengthening the rule of law, combating organised crime, corruption and illegal migration, and strengthening their administrative capacity in border control and security of documents. The Commission has discussed with each of the Western Balkan countries the requirements for taking these issues forward in concrete terms. These discussions confirmed that the necessary reforms would require substantial efforts by the countries in question. Lifting the visa obligation is a long-term issue."

"Meanwhile, it should be possible to facilitate visa issuing procedures, which will make travel from the Western Balkans to the EU/Schengen area easier. The Member States and the Commission agreed in December 2005 on a common approach to visa facilitation, as foreseen by the Hague Programme adopted in November 2004. A case by case approach will be applied. The special relationship the EU has with certain countries, notably their status as candidates or potential candidates for accession, will be taken into account."

"In this context, the Commission plans to start exploratory talks in the Western Balkans, starting with the former Yugoslav Republic of Macedonia in early 2006, in view of presenting to the EU Council draft negotiation mandates for Western Balkan countries in the course of the year."

"Progress in negotiations on visa facilitation will be linked to negotiations on readmission agreements with the European Community and to progress in reforms in relevant areas. The Commission also plans to present, in spring 2006, a proposal aiming inter alia at simplifying and speeding up visa issuing procedures at local consulates."

**[The Hague Programme strengthening freedom, security and justice in the EU](#)
Adopted by the European Council
Brussels, 5 November 2004**

"The European Council (...) invites the Council and the Commission to examine, with a view to developing a common approach, whether in the context of the EC readmission policy it would be opportune to facilitate, on a case by case basis, the issuance of short-stay visas to third-country nationals, where possible and on a basis of reciprocity, as part of a real partnership in external relations, including migration-related issues."

**[EU/Western Balkans Summit - Declaration](#)
Thessaloniki, 21 June 2003**

"We acknowledge the importance the peoples of the Western Balkans attach to the perspective of liberalisation of the EU's visa regime towards them. We recognise that progress is dependent on implementing major reforms in areas such as the strengthening of the rule of law, combating organised crime, corruption and illegal migration, and strengthening administrative capacity in border control and security of documents. The Western Balkan countries welcome the intention of the Commission to hold discussions, within the framework of the Stabilisation and Association Process, with each of them, regarding the requirements for how to take these issues forward in concrete terms."

[1] The EC/Albania readmission agreement entered into force on 1 May 2006.

[2] The EC/Albania readmission agreement entered into force on 1 May 2006.

[3] Without prejudice to Member States' positions on status.