



EUROPEAN COMMISSION

DIRECTORATE-GENERAL JUSTICE, FREEDOM AND SECURITY

The Acting Deputy Director-General

Brussels, **15 JUL. 2009**
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Mr Dražen Maravić
Head of the Working group for visa
liberalization,
Ministry of Interior
Serbia

By email: mission.serbia.eu@mfa.rs

Dear Mr Maravić,

I have the pleasure to inform you that on 15 July 2009 the European Commission adopted a proposal to add the former Yugoslav Republic of Macedonia, Serbia and Montenegro to the list contained in Regulation 539/2001 of countries whose citizens are exempt from the visa requirement when crossing the external borders of the EU (the Schengen 'positive list'). This Commission proposal to establish a visa free travel regime with Serbia is the direct result of the continuous commitment and important achievements of your authorities in fulfilling the requirements of the visa liberalisation dialogue.

At the Senior Officials' meeting of 12 June 2009, the Commission services updated assessment on the implementation of the roadmap for visa liberalisation of your country was presented. It was stated that Serbia had made significant progress across all areas and meets a large majority of the benchmarks. Furthermore, it was stressed that Serbia should continue its efforts to meet all the benchmarks before the adoption of the proposal by the Council. The major remaining open benchmarks to be addressed relate to:

- the improvement of cross-border/boundary surveillance, which includes in particular the exchange of information with EULEX/Kosovo Police including by the conclusion and effective implementation of working arrangements; ensure cooperation between Serbian customs and EULEX/Kosovo customs enabling adequate contribution of these services in the fight against trafficking in or smuggling of persons at the boundary; provide monthly written reports on the results of this cooperation to the Commission services;
- the effective implementation of the Law on Foreigners and the adoption of the Migration Management Strategy;
- the effective implementation of the legal framework for the fight against organised crime and corruption;
- the integrity and security of the procedures followed in issuing new biometric passports to persons residing in Kosovo under UNSCR 1244/99. Set up a new procedure for issuing

biometric passports for persons residing in Kosovo under UNSCR 1244/99 and persons whose citizenship certificate has been issued for the territory of Kosovo under UNSCR 1244/99 only through the specific Coordination Directorate in Belgrade; provide monthly lists of passports delivered to these persons.

I want to highlight that the Commission services will also continue to follow the progress on related issues insofar as they are deemed important and relevant for fulfilment of the benchmarks still to be met. I would also like to encourage Serbia to continue work in other areas of the Roadmap.

Regarding the draft 'Regulation on the Procedures Regarding the Determination of Fulfilment of the Proscribed Conditions for Issuance of Passports for Persons from AP Kosovo and Metohija' which your authorities presented to the Commission for comments, prior to giving our endorsement on this text we would appreciate some further clarifications. As you have been informed, the Commission proposal for modification of Regulation 539/2001 excludes from the visa free regime with Serbia all holders of passports issued by the 'Coordination Directorate'. It is our understanding and intention that such passports will be issued to all persons residing in Kosovo under UNSCR 1244/99, and to all persons residing abroad whose citizenship certificate is issued solely on the basis of ties with Kosovo. We would appreciate further clarifications as to how passport applications from this latter category will be processed under your Regulation, notably in cases when the relevant civil registry records have been lost or destroyed. In addition, we wish to receive a clear timetable for the full implementation of the Regulation, as well as details on the authorities and resources which will be involved. Finally, we require indications from your side regarding the system by which the Commission services will be able to monitor the correct functioning of the system introduced by the Regulation.

The Commission services will monitor the implementation of the open benchmarks in parallel with the examination of the legislative proposal in the European Parliament and the Council. We would therefore like the Serbian authorities to submit an updated report on progress made in the relevant areas by 25 September 2009. The dialogue on the above-mentioned issues will also continue at the level of Senior Officials meetings. As part of the monitoring process for the remaining open issues, expert missions or meetings on specific issues could also be organised, should the need arise. The Commission will inform the Council before final adoption of the proposal.

Finally, allow me to once again congratulate your country for the progress achieved so far in the visa liberalisation process and to encourage the Serbian authorities to make all necessary endeavours to fulfil outstanding benchmarks before the Council will take its decision.

Yours sincerely,



Jean-Louis De Brouwer