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**A7-9999/2009**

21.10.2009

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## **REPORT**

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))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Tanja Fajon

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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## DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**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 (A7-0000/2009),
1. Approves the Commission proposal as amended;
  2. Calls on the Commission to alter its proposal accordingly, pursuant to Article 250(2) of the EC Treaty;
  3. Calls on the Council to notify Parliament if it intends to depart from the text approved by Parliament;
  4. Calls on the Council to consult Parliament again if it intends to amend the Commission proposal substantially;
  5. Instructs its President to forward its position to the Council and the Commission.

### **Amendment 1**

**Proposal for a Council 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*

*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.***

criteria, should be transferred from one Annex to the other.

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 Balkans* 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 Council regulation – amending act Recital 2

*Text proposed by the Commission*

*Amendment*

(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

(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

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.

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.***

#### *Justification*

*First part is an editorial consequence of Amendment 1.*

*Second part adds missing information about two states of the Western Balkans, which were covered by the visa liberalisation dialogues and in particular by the assessments of the Commission of May 2009. According to the Commission's assessment both countries made important progress and a significant progress (not recorded in the Commission's proposal of July 2009) was made between May and September 2009.*

#### **Amendment 4**

##### **Proposal for a Council 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.***

*Justification*

*Stabilization and Association Agreements are currently in force: with the former Yugoslav Republic of Macedonia (entry into force on 1 May 2004) and with Croatia (entry into force on 1 February 2005). The SAA with Albania was signed in June 2006 and the interim agreement (IA) on trade and trade-related matters entered into force on 1 December 2006. [The SAA with Albania is currently in force since the 1<sup>st</sup> of April 2009](#). The SAA and IA with Montenegro were signed on 15 October 2007 and the IA entered into force on 1 January 2008, the agreements with Bosnia and Herzegovina were signed on 16 June 2008 and the IA entered into force 1 July 2008. Agreements with Serbia are not yet signed and no interim agreement is in force.*

**Amendment 6**

**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. ***Montenegro and Serbia is expected to meet 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 after approval of that assessment by the Council. The visa waiver should apply **only** to holders of biometric passports issued by each of the **five** countries concerned.*

*Justification*

*The recital is amended as a consequence of Amendments 5 and 6, which change the actual text of the Regulation (EC) No 539/2001. The visa liberalisation will apply only when all the benchmarks are fulfilled.*

**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.***

*Justification*

*According to article 7 of the Joint Declaration of the Prague Eastern Partnership Summit, the European Union aims at the full liberalization of the visa regime with its Eastern neighbours, provided that they comply with the necessary conditions.*

**Amendment 11**

**Proposal for a Council 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 \****

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***\* 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 Council regulation – amending act**

#### **Article 1 – point 2**

Regulation (EC) No 539/2001

Annex II – part 1

#### *Text proposed by the Commission*

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

"the former Yugoslav Republic of Macedonia \*

Montenegro \*

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

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

#### *Amendment*

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

**"Albania \***

***Bosnia and Herzegovina \****

the former Yugoslav Republic of Macedonia \*\*

Montenegro \*\*

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

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***\* 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.”.**

## EXPLANATORY STATEMENT

Back in the beginning of the 1990s when Yugoslavia was collapsing, the Member States of today's European Union were not able to deliver a common regional policy, which would put a stop to bloody wars. We took over the responsibility of the region progressively from the Americans who moved on to other "hot spots" of the globe. Our goal is to build stability and prosperity in the region which is to join the Union, but we must always remember that when we say "the region" we are talking about people living there. And, we should bear in mind that after the break up of Yugoslavia, after cruel wars that left very deep wounds and hundreds of thousands of refugees and migrants who fled the region, we are witnesses to the growth of a young generation which is cut off from the unifying and prosperous Union surrounding the region. The young people in the Western Balkans usually only travel within (and sometimes between) their divided countries and are hardly ever able to enter the EU. The youngsters there know as much about Europeans as they do about Americans - mostly from the internet and TV. The EU, which is supposed to become their Union, which pushes their administrations to reform, which wants them to believe that we are one European family, is still something abstract. While our Union strongly advocates the freedom of movement we observe that people in the region enjoy less rights to travel freely today than during the times of the former Yugoslavia. Do we really want to keep the door shut to our close neighbours to the countries, which have experienced wars and the fight against poverty and which do their best to please us? We are not deciding about granting jobs or residential rights, we are deciding about the basic right of a future EU citizen to travel to the Union.

The Union's strategy for the region is laid down in the Thessaloniki agenda, which guarantees European perspective to people of the Western Balkans and, in particular, mentions visa liberalisation. At the beginning of 2008, five years after signing the Thessaloniki agenda, the Slovenian Presidency made the issue one of its priorities and negotiations were launched. The Commission's explanatory memorandum attached hereto proposes changes to the EC Regulation 539/2001 and describes how the process was implemented. It concludes that all five states of the Western Balkans negotiating the liberalisation have made important progress but only three of them can expect to see visa liberalisation in the coming months. Bosnia and Albania do not qualify. The technical judgement of the Commission is correct but we all know that purely technical decisions can have a very strong political impact. Unfortunately, the Commission's proposal underestimates a risk of additional division in the region - damage not only to the regional cooperation but also to these states internally: Croats live in Croatia and Bosnia, Serbs live in Serbia and Bosnia, and Albanians live in Albania, Serbia and the former Yugoslav Republic of Macedonia. By prizing only some nations we destabilize the region and cut the political and ethnical puzzles in even smaller pieces. I do support the Commission's stand that **we should neither lower the requirements which were agreed upon nor should we punish the best for the mistakes of those lingering behind**, but there is a third approach.

In my draft report, I am proposing the amendments, which without lowering the benchmarks set in the roadmaps for visa liberalisation, leave a path for Albania and Bosnia to catch up with the former Yugoslav Republic of Macedonia, Montenegro and Serbia. **The deal is very simple: visa requirements for each of the two countries is lifted immediately after one or the other one fulfils all the benchmarks set by the Commission but without again**

**needing to amend the Regulation.** With this proposal, we will not leave any state behind and will not lose additional time for repeated law-making process. As this extra time would weigh heavily politically in the two states it is worth finding a flexible legislative solution. We will send a clear signal to the citizens of the two countries - we are waiting for you, you just must mobilize your governments to work hard so they can repair their own mistakes and delays and deliver the same quality as your neighbouring countries. And the EU is doing its utmost to help you on that European path, without lowering the standards common to all of us.

The Commission prefers to exclude the two countries from the white list and until they fulfil the benchmarks, at which time, a new proposal of the amendments to the EC Regulation 539/2001 would be proposed. Such an approach is very technical and comfortable for the legislator but delays Albania's and Bosnia's white listing (in the best case for one year) during which the citizens of the other three countries will be able to travel freely. No timeframe means weak motivation for the two governments to reform and repair their own mistakes. I do not need to repeat the warning about the political repercussions of this approach as well as psychological damage it would cause among the citizens of Bosnia and Albania towards European integration, also taking into account that, in practice only one entire nation – the Bosniaks (Bosnian Muslims) - would be left out of the process. We must also recall that when two states from the region - Croatia and my own country Slovenia - became independent, visas were not introduced for their citizens

I would like to stress that adding a country to a white list under a certain condition is not a novelty or an extravagant proposal of the Parliament. When this Regulation was amended previously<sup>1</sup> three years ago, countries like Antigua, Bahamas, Barbados, Mauritius, Saint Kitts and Nevis and Seychelles were conditionally added to the annex listing countries for which visas were not required. It would be really improper not to give a similar chance to Albania and Bosnia, which are European and have a perspective of the EU membership. I am certain that Albania and Bosnia deserve a constructive approach for rapid visa liberalisation as well; especially when the liberalisation is granted only after all the requirements of the Commission are fulfilled.

The second concern of my report is about Kosovo. It is the only part of the Western Balkans, which is completely left out of the visa liberalisation process, not even a perspective of talks is envisaged. This is naturally caused by a division among the Member States towards recognizing its independence. While understanding the political complexity of the problem, the people of Kosovo should not be left in a black hole created by disagreements. I believe that the Parliament should put pressure on both the Commission and the Council to find a way to initiate the visa liberalisation process while respecting Kosovo's status under UNSCR 1244/99 and division between the Member States towards its declaration of independence. This is without prejudice to the status of Kosovo. It will push forward the necessary structural reforms.

We, the European Union, have to take our political responsibility to carry out this process. It is about people in our direct neighbourhood, it is about people to people contact, the quality of their lives, closer contacts and better economical cooperation. If we really want to integrate all

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<sup>1</sup> COUNCIL REGULATION (EC) No 1932/2006 of 21 December 2006.

the countries of the Western Balkans in the European Union, the younger generation, in particular, has to have a chance to travel, to learn about it. Staying behind closed doors for too long can only strengthen nationalism and deepen ethnical divisions, which, before the wars, were practically non-existent.

7.10.2009

## **OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS**

for the Committee on Civil Liberties, Justice and Home Affairs

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))

Rapporteur: Sarah Ludford

### **SHORT JUSTIFICATION**

The European Parliament, and the Committee on Foreign Affairs in particular, is a strong supporter of the abolishment of the visa regime for the Western Balkan countries. The current regime is a huge step backwards for the countries of ex-Yugoslavia, whose citizens could travel without visas to the West during the socialist time, but paradoxically are required to apply for visas now.

The visa regime has isolated the citizens of these countries, who, in spite of being in the heart of Europe, find themselves with limited possibilities to visit the countries of the European Union. Even the neighbouring countries are inaccessible for many as their visa applications are rejected due to stringent conditions. This situation has hampered the very people whom we would like to see developing contacts with their EU counterparts - civil society, business people, and academics - from doing so. Particularly among young people, the percentage of those who have never had the opportunity to leave their own country and discover the EU is strikingly high, bringing about a sense of isolation and discrimination. It is high time this situation changed - familiarity with the EU allows for better understanding and closer cooperation and it is a prerequisite to building good and sustainable relations. It is in the interest of both the Western Balkan countries and of the EU to make it easier to travel.

While the restrictions harm ordinary people, they probably have little effect on the ability to achieve free movement of some of the groups at whom the system is targeted, such as organised criminals. Other means can contribute much more to the fight against organised crime, trafficking and smuggling e.g. capacity-building of the administrations, enhanced regional cooperation by police and judiciary as well as stepped-up border monitoring and better training and remuneration of staff. Steps towards these measures have already begun and have started to deliver tangible results in the region.

The Committee on Foreign Affairs has continuously called for the abolishment of visas. The European Commission's proposal is therefore a welcome step in the right direction. However, the countries which have been left outside of a visa-free framework should be allowed to join

it as soon as they are ready. We should not allow the possibility that they become even more isolated, while their neighbours enjoy possibility of obstacle-free travel to the EU. Naturally they have to be ready and they still have some work ahead of them. However, the Commission should already now present them with this opportunity, from which they could benefit as soon as they have fulfilled the conditions of the road map, without the delays caused by the decision-making process in the EU.

Therefore, Albania and Bosnia and Herzegovina should benefit from the visa-free framework immediately after the Commission has assessed that they meet all the benchmarks set in the roadmap for visa liberalisation. Kosovo should not be excluded from the process enjoyed by the other Western Balkan countries, and the Commission should immediately start a visa dialogue and establish a roadmap for visa liberalisation.

## AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to incorporate the following amendments in its report:

### Amendment 1

#### Proposal for a regulation – amending act

#### Recital 3

##### *Text proposed by the Commission*

(3) 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, a specific Coordination Directorate in Belgrade will be in charge of collecting their passport applications and the issuance of passports. However, in view of security concerns regarding in particular the potential for illegal migration, the holders of Serbian passports issued by this specific Coordination Directorate (in Serbian : Koordinaciona uprava) should be excluded from the visa free regime for Serbia.

##### *Amendment*

(3) 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, a specific Coordination Directorate in Belgrade will be in charge of collecting their passport applications and the issuance of passports. However, in view of security concerns regarding in particular the potential for illegal migration, the holders of Serbian passports issued by this specific Coordination Directorate (in Serbian : Koordinaciona uprava) should be excluded from the visa-free regime for Serbia. ***In view of the fact that the border between Serbia and Kosovo is regarded by the Belgrade authorities as an administrative boundary, which might negatively influence effective inter-state border controls, the Commission should request the Belgrade government to implement at that***

***border/boundary the same measures and controls as it does with all the other internationally recognised borders.***

*Justification*

*The Ministry of Interior of the Republic of Serbia and EULEX signed in August a protocol on police cooperation which was requested by the Commission in order for Serbia to be granted the EU Visa Waiver. The agreement on customs has not yet been negotiated. Regardless of the status of Kosovo Serbia should apply and implement to the boundary/border with Kosovo the same standard controls it does to all other internationally recognised borders.*

**Amendment 2**

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

*Text proposed by the Commission*

*Amendment*

***(3a) With the aim of furthering the implementation of the Thessaloniki agenda, the Commission should start a visa dialogue with Kosovo so as to establish a roadmap for visa liberalisation similar to those established with other Western Balkan countries. This should be without prejudice to Member States' competence as regards the recognition of Kosovo as an independent state.***

**Amendment 3**

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

*Text proposed by the Commission*

*Amendment*

***(3b) With the aim also of strengthening the Stabilisation and Association Process, visa-free travel will improve participation in the common market that is gradually being established with Albania, Bosnia and Herzegovina, Montenegro and the former Yugoslav Republic of Macedonia, and will thereby contribute to trade, innovation and growth.***

## Justification

*Stabilization and Association Agreements are currently in force: with the former Yugoslav Republic of Macedonia (entry into force on 1 May 2004) and with Croatia (entry into force on 1 February 2005). The SAA with Albania was signed in June 2006 and the interim agreement (IA) on trade and trade-related matters entered into force on 1 December 2006. The SAA and IA with Montenegro were signed on 15 October 2007 and the IA entered into force on 1 January 2008, the agreements with Bosnia and Herzegovina were signed on 16 June 2008 and the IA entered into force 1 July 2008. Agreements with Serbia are not yet signed and no interim agreement is in force.*

### Amendment 4

#### Proposal for a regulation – amending act Recital 4

##### *Text proposed by the Commission*

(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.

##### *Amendment*

(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 *on the conditions, as regards Montenegro and Serbia, that those countries meet all the benchmarks by the date of adoption of the present Regulation and, as regards Albania and Bosnia and Herzegovina, that the exemption from the visa requirement will apply without delay immediately after the assessment by the Commission that each of those countries meets all the benchmarks set in the roadmap for visa liberalisation and a notice about the assessment is published in the Official Journal of the European Union. Commission evaluations shall be carried out monthly and shall be communicated to the European Parliament and the Council as well as the countries concerned.* This visa waiver should only apply to holders of biometric passports issued by each of the *five* countries concerned.

## Amendment 5

### 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 reference to Albania and Bosnia and Herzegovina shall be amended as follows:***

***"Albania \****

***Bosnia and Herzegovina \****

-----  
***\* The name of the country shall be deleted from this Annex without delay immediately after the assessment by the Commission that the country in question meets all the benchmarks set in the roadmap for visa liberalisation and a notice about the assessment is published in the Official Journal of the European Union."***

## Amendment 6

### 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:

"the former Yugoslav Republic of Macedonia \*

Montenegro \*

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

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

***"Albania \* \*\****

***Bosnia and Herzegovina \* \*\****

the former Yugoslav Republic of Macedonia \*\*

Montenegro \*\*

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

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

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***\* The exemption from the visa requirement shall apply without delay immediately after the assessment by the Commission that the country in question meets all the benchmarks set in the roadmap for visa liberalisation and a notice about the assessment is published in the Official Journal of the European Union.***

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

## PROCEDURE

<b>Title</b>	List of third countries whose nationals are subject to or exempt from a visa requirement when crossing the external borders
<b>References</b>	COM(2009)0366 – C7-0112/2009 – 2009/0104(CNS)
<b>Committee responsible</b>	LIBE
<b>Opinion by</b> Date announced in plenary	AFET 14.9.2009
<b>Rapporteur</b> Date appointed	Baroness Sarah Ludford 16.9.2009
<b>Discussed in committee</b>	29.9.2009                      6.10.2009
<b>Date adopted</b>	6.10.2009
<b>Result of final vote</b>	+:                      53 -:                      8 0:                      7
<b>Members present for the final vote</b>	Pino Arlacchi, Frieda Brepoels, Elmar Brok, Arnaud Danjean, Michael Gahler, Andrzej Grzyb, Takis Hadjigeorgiou, Heidi Hautala, Anna Ibrisagic, Jelko Kacin, Ioannis Kasoulides, Tunne Kelam, Andrey Kovatchev, Eduard Kukan, Vytautas Landsbergis, Ryszard Antoni Legutko, Krzysztof Lisek, Sabine Lösing, Ulrike Lunacek, Barry Madlener, Mario Mauro, Willy Meyer, Francisco José Millán Mon, Alexander Mirsky, Andreas Mölzer, María Paloma Muñoz De Urquiza, Annemie Neyts-Uyttebroeck, Norica Nicolai, Raimon Obiols, Ioan Mircea Pașcu, Vincent Peillon, Mirosław Piotrowski, Hans-Gert Pöttering, Cristian Dan Preda, Fiorenzo Provera, Jacek Saryusz-Wolski, Adrian Severin, Marek Siwiec, Ernst Strasser, Hannes Swoboda, Zoran Thaler, Inese Vaidere, Johannes Cornelis van Baalen, Kristian Vigenin, Graham Watson, Boris Zala
<b>Substitute(s) present for the final vote</b>	Elena Băsescu, Emine Bozkurt, Nikolaos Chountis, Marije Cornelissen, Véronique De Keyser, Göran Färm, Lorenzo Fontana, Liisa Jaakonsaari, Elisabeth Jeggle, Baroness Sarah Ludford, Nadezhda Mihaylova, Doris Pack, Vittorio Prodi, Teresa Riera Madurell, Marietje Schaake, Indrek Tarand, Traian Ungureanu, Janusz Władysław Zemke
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Michel Dantin, Tanja Fajon, Georgios Stavrakakis, Manfred Weber

## PROCEDURE

<b>Title</b>	List of third countries whose nationals are subject to or exempt from a visa requirement when crossing the external borders
<b>References</b>	COM(2009)0366 – C7-0112/2009 – 2009/0104(CNS)
<b>Date of consulting Parliament</b>	31.7.2009
<b>Committee responsible</b> Date announced in plenary	LIBE 14.9.2009
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	AFET 14.9.2009
<b>Rapporteur(s)</b> Date appointed	Tanja Fajon 2.9.2009
<b>Discussed in committee</b>	30.9.2009                      6.10.2009                      19.10.2009
<b>Date adopted</b>	19.10.2009
<b>Result of final vote</b>	+:                      45 -:                      2 0:                      2
<b>Members present for the final vote</b>	Jan Philipp Albrecht, Vilija Blinkevičiūtė, Louis Bontes, Rita Borsellino, Emine Bozkurt, Simon Busuttil, Rosario Crocetta, Cornelis de Jong, Agustín Díaz de Mera García Consuegra, Cornelia Ernst, Tanja Fajon, Monika Flašíková Beňová, Hélène Flautre, Kinga Göncz, Sylvie Guillaume, Ágnes Hankiss, Jeanine Hennis-Plasschaert, Salvatore Iacolino, Sophia in 't Veld, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Juan Fernando López Aguilar, Baroness Sarah Ludford, Monica Luisa Macovei, Clemente Mastella, Nuno Melo, Louis Michel, Claude Moraes, Antigoni Papadopoulou, Judith Sargentini, Birgit Sippel, Csaba Sógor, Renate Sommer, Rui Tavares, Wim van de Camp, Axel Voss
<b>Substitute(s) present for the final vote</b>	Elena Oana Antonescu, Andrew Henry William Brons, Anna Maria Corazza Bildt, Ioan Enciu, Monika Hohlmeier, Stanimir Ilchev, Franziska Keller, Petru Constantin Luhan, Antonio Masip Hidalgo, Mariya Nedelcheva, Michèle Striffler, Cecilia Wikström
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Ioannis Tsoukalas