

Visas: third countries whose nationals are subject to or exempt from a visa requirement

2009/0104(CNS) - 30/11/2009 - Final act

PURPOSE: to amend Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement so as to allow, under certain conditions, citizens from several Western Balkan countries (former Yugoslav Republic of Macedonia, Montenegro and Serbia) to enter the EU.

LEGISLATIVE ACT: Council Regulation (EC) No 1244/2009 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.

CONTENT: 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. 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.

The regulation also envisages the specific case of Albania and Bosnia and Herzegovina. These countries 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. 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.

Joint political declaration annexed to the decision: in this declaration, the European Parliament and the Council:

- invites the Commission to propose visa liberalisation for these two countries as soon as they comply with all the benchmarks recognise that the former Yugoslav Republic of Macedonia, Montenegro and Serbia fulfil all conditions for visa liberalisation;
- expresses 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;
- invites 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;
- will examine a proposal for amending Regulation (EC) No 539/2001 concerning Albania and Bosnia and Herzegovina as a matter of urgency.

Territorial provisions: Iceland, Norway, Switzerland and Liechtenstein shall participate in the application of this regulation in that it constitutes a development of the provisions of the Schengen acquis within the meaning of the Agreement concluded between the European Union. On the other hand, the United Kingdom and Ireland shall not participate in this act or be bound by it or subject to its application.

ENTRY INTO FORCE and APPLICATION: 19 December 2009.