













Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2016/0139(COD) Awaiting Council's 1st reading position
Third countries whose nationals are subject to or exempt from a visa requirement: Kosovo	
Amending Regulation (EC) No 539/2001	2000/0030(CNS)
Subject	7.10.04 External borders crossing and controls, visas
Geographical area	Kosovo under UNSCR 1244/1999

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 FAJON Tanja	04/09/2019
		Shadow rapporteur	
		 MACOVEI Monica	
		 MLINAR Angelika	
		 VERGIAT Marie-Christine	
		 LUNACEK Ulrike	
	Former committee responsible		
	 Civil Liberties, Justice and Home Affairs	 FAJON Tanja	23/05/2016
	Former committee for opinion		
	 Foreign Affairs	 LUNACEK Ulrike	24/05/2016
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	3465	20/05/2016
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events			
04/05/2016	Legislative proposal published	COM(2016)0277	Summary
20/05/2016	Debate in Council	3465	

06/06/2016	Committee referral announced in Parliament, 1st reading/single reading		
05/09/2016	Vote in committee, 1st reading/single reading		
05/09/2016	Rejection by committee to open interinstitutional negotiations with report adopted in committee		
09/09/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0261/2016	Summary
30/08/2018	Committee decision to open interinstitutional negotiations with report adopted in committee		
10/09/2018	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 71)		
13/09/2018	Results of vote in Parliament		
13/09/2018	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 71 - vote)		
27/03/2019	Debate in Parliament		
28/03/2019	Decision by Parliament, 1st reading/single reading		
24/09/2019	Committee decision to open interinstitutional negotiations after 1st reading in Parliament		
09/10/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		

Technical information

Procedure reference	2016/0139(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
	Amending Regulation (EC) No 539/2001 2000/0030(CNS)
Legal basis	Treaty on the Functioning of the EU TFEU 077-p2
Stage reached in procedure	Awaiting Council's 1st reading position
Committee dossier	LIBE/8/06532

Documentation gateway

Legislative proposal		COM(2016)0277	04/05/2016	EC	Summary
Committee draft report		PE583.925	08/06/2016	EP	
Amendments tabled in committee		PE585.474	27/06/2016	EP	
Committee opinion	AFET	PE584.014	07/07/2016	EP	
Committee report tabled for plenary, 1st reading/single reading		A8-0261/2016	09/09/2016	EP	Summary

2016/0139(COD) - 04/05/2016 Legislative proposal

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.

PROPOSED ACT: Regulation of European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure and on an equal footing with the Council.

BACKGROUND: [Council Regulation \(EC\) No 539/2001](#) lists the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States and those whose nationals are exempt from that requirement. It is applied by all Member States with the exception of Ireland and the United Kingdom and also by Iceland, Liechtenstein, Norway and Switzerland. The Regulation is part of the EUs common visa policy for short stays of 90 days in any 180-day period.

Kosovo is currently listed in Annex I, Part 2 of Regulation (EC) No 539/2001, i.e. among those entities and territorial authorities that are not recognised as states by at least one Member State. Persons from those entities are required to hold a visa when travelling to the territory of EU Member States.

Since launching the visa dialogue in January 2012, the Commission has presented regular reports to the European Parliament and to the Council on its assessment of Kosovos fulfilment of the requirements of the roadmap which identified all the legislation and other measures that Kosovo needed to adopt and implement to advance towards visa liberalisation.

In its last report, the Commission set out recommendations corresponding to outstanding requirements of the visa roadmap, including four key priorities. It noted the border/boundary delineation agreement with Montenegro should be ratified by Kosovo before visa free status is granted to persons from Kosovo.

In its latest report, the Commission observed that Kosovo had taken important steps towards fulfilling the requirement of ratifying its border/boundary agreement with Montenegro and fulfilled sufficient elements of building up its track record in the fight against organised crime and corruption.

Based on this assessment and given the outcome of the continuous monitoring and reporting that had been carried out since the launch of the visa liberalisation dialogue with Kosovo, the Commission confirms that Kosovo has met the requirements of its visa liberalisation roadmap on the understanding that by the day of the adoption of this proposal by the European Parliament and the Council, Kosovo will have ratified the border/boundary agreement with Montenegro and strengthened its track record in the fight against organised crime and corruption.

CONTENT: taking account of all the criteria which should be considered when determining on a case-by-case basis the third countries whose nationals are subject to, or exempt from, the visa requirement as laid down in Regulation (EC) No 539/2001 (as introduced by Regulation (EU) No 509/2014), the Commission has decided to present a legislative proposal to amend Regulation (EC) No 539/2001, transferring Kosovo from Annex I, Part 2 (visa-required list) to Annex II, Part 4 (visa-free list). A footnote will be added specifying that the visa exemption will be limited to holders of biometric passports issued in line with the standards of International Civil Aviation Organisation (ICAO) and EU standards for security features and biometrics in travel documents (Council Regulation (EC) No 2252/2004).

Territorial provisions: the proposed regulation will constitute a development of the Schengen acquis. Therefore, the United Kingdom and Ireland shall not participate in the adoption of the Regulation and shall not be bound by it or subject to its application.

The amended Regulation will be directly applicable from the date of its entry into force and will be implemented immediately by Member States. No implementation plan is necessary.

The Commission will continue to actively monitor Kosovos process of ratifying its border/boundary agreement with Montenegro and the development of its track record in the fight against organised crime and corruption.

(*) This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

2016/0139(COD) - 09/09/2016 Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Tanja FAJON (S&D, SI) 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 and those whose nationals are exempt from that requirement (Kosovo).

Parliament recommended the European Parliament to adopt its position at first reading, taking over the Commission proposal.

This proposal aims to amend [Regulation \(EC\) No 539/2001](#) by transferring Kosovo from Annex I, Part 2 (visa-required list) to Annex II, Part 4 (visa-free list).

In the explanatory statement accompanying the report, it is recalled that the European Parliament has been a strong advocate and supporter of Kosovo and its European perspective, including with visa liberalisation process and has continuously called both on the Kosovar authorities to cooperate and fulfil required benchmarks, and on the Commission to help facilitate and accelerate the process. Visa-free regime presents one of the most tangible and concrete achievements for the countrys European perspective and it brings about the realisation of free movement as one of the fundamental principles of the European projects.

The European Parliament adopted by 331 votes to 126, with 12 abstentions, a legislative resolution 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 and those whose nationals are exempt from that requirement (Kosovo).

Parliament adopted its position at first reading, taking over the Commission's proposal.

The proposal aims to amend Regulation (EC) No 539/2001 by transferring Kosovo from Annex I, Part 2 (list of territorial entities and authorities not recognised as States by at least one Member State whose nationals must be in possession of a visa when entering the territory of the Member States) to Annex II, Part 4 (list of territorial entities and authorities not recognised as States by at least one Member State and exempt from the visa requirement).