

European Commission,
Members of the Visa Working Party and Coweb,
European Parliament (LIBE and AFET),
Council Secretariat,
Selected representatives of the media

Brussels/Boston, 26 February 2010

Dear Madam/Sir,

It was very good news for the Western Balkans, as well as for the EU's policy of conditionality in the region, when the European Union decided to lift the visa requirement for Macedonia, Montenegro and Serbia in November 2009. It was also important and encouraging that the Council and the European Parliament at the same time issued a [political declaration](#) with a concrete promise to the citizens of the two countries not yet able to benefit from visa-free travel, Albania and Bosnia and Herzegovina:

"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."

In light of this promise, which explicitly refers to visa liberalisation for the two countries as "a matter of urgency" to be addressed "as soon as possible", it is disconcerting that the European Commission's current timetable effectively excludes the possibility of visa-free travel for Bosnia and Albania before the summer break, even if the two countries meet all conditions today.

This flies in the face of the declaration issued by the Council and the European Parliament. When this statement was negotiated, the target date discussed was July 2010.

The timetable also suggests that when it comes to matters of "urgency", double standards are applied to different countries in the Balkans. Most importantly, there is no good reason for the delay, except lack of political will.

Today, the last assessment mission comprising experts from the Commission and the member states will finish examining the situation on the ground in Albania. This means that by this evening all of the six envisaged missions will have completed their work. In both countries the missions have examined document security (block 1) in December, and border control and migration management (block 2) and public order and security issues (block 3) in February.

However, during a discussion in the European Parliament's LIBE Committee on Tuesday, 23 February 2010, the Commission announced that it will not present the final assessments before mid-April. A similar message was conveyed by the Commission at a meeting of the Peace Implementation Council in Sarajevo on 24 February 2010.

The consequences of this are obvious. The last JHA Council under the Spanish Presidency is scheduled for 3/4 June 2010. Even if the assessments show that Bosnia and Albania are ready for visa-free travel, the time between mid-April, when the Commissions plans to issue the assessments, and the Council meeting on 3/4 June – 6 to 7 weeks – will not enough for the Commission to draft, internally consult and adopt a legislative proposal, and for the European Parliament to do its part of the work under the co-decision procedure. This means that the June Council will be missed. (See "[The EU Decision-Making Process](#)".)

So the decision-making process will have to continue after the summer. The first JHA Council under the forthcoming Belgian Presidency is planned for 7/8 October 2010. If a decision is taken then, it can enter into force earliest 20 days later, after publication in the EU's Official Journal. So, even if Bosnia and Albania already fulfil all conditions today, their citizens will not be able to enjoy visa-free travel before the end of October 2010.

This will be one year from the time when the political declaration by the Council and the Parliament was agreed. One year is not "as soon as possible". Both the Council and the European Parliament will thus not keep their promise to the people of Albania and Bosnia.

One year is a long time to wait for a government such as Bosnia's, which has made an enormous effort to meet all the EU's conditions and achieved a remarkable success. ESI research in Bosnia in August and September 2009 showed that [Bosnia's implementation record had already reached then the levels that Serbia and Montenegro enjoyed in May 2009](#) when both were proposed for visa-free travel on condition that they meet a few outstanding requirements. The same goes for the Albanian government, which made a significant leap forward towards the end of last year reaching a similar level, [according to ESI research](#).

Most importantly, one year is also a long time for citizens who have been waiting impatiently to be able to travel freely like their neighbours.

ESI has supported the visa liberalisation process for the Western Balkans as a merit-based process based on the "[strict but fair" principle](#)". Even though the promise was given to abolish the visa requirement for Albania and Bosnia a matter of urgency, there is an unnecessary delay. This is not fair to the people of the two countries.

Fortunately, there is still an alternative to breaking this promise. Member states that have made available experts for the assessment missions can ensure that their reports reach the

Commission as quickly as possible, within the next two weeks. The Commission can present the final assessments at the end of March, before Easter. This would allow it to submit a legislative proposal latest by mid-April. The European Parliament and the Council can then honour their November 2009 commitment and deal with the proposal as a matter of urgency. We believe that this is the way to go.

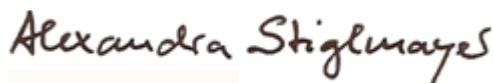
Once the assessments are on the table, it is also important that the two countries are evaluated solely on the basis of the visa roadmap criteria. Contrary to some ideas discussed in the corridors in Brussels, it would be deeply unfair if non-technical issues, which are not related to the roadmap conditions, influenced whether and when citizens of Bosnia and Albania will enjoy the same rights as their neighbours. This means concretely that issues such as the election date in Bosnia or the current domestic political situation in Albania should not be used as an excuse to treat the two countries unfairly.

The impression that some countries in the region are favoured, and others are treated as a matter of lesser urgency, is not one that must gain ground among the people of the Balkans.

Best regards,



Gerald Knaus,
Chairperson of ESI



Alexandra Stiglmayer,
Director "ESI Schengen White List Project"

Further reading:

- [About the Schengen White List Project](#)
- [Strict but fair – The Declaration](#)
- [Visa-free travel in the Balkans](#) (op-ed 6 December 2009)
- [Bosnia and Herzegovina's rapid advancement](#)
- [Albania is catching up](#)
- [The EU Decision-Making Process](#)
- [Isolating Kosovo? Kosovo vs. Afghanistan 5:22](#) (18 November 2009)