

Procedure file

Basic information	
COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	2010/0137(COD) Procedure completed
Visas: third countries whose nationals are subject to or exempt from a visa requirement	
Amending Regulation (EC) No 539/2001	2000/0030(CNS)
Subject	
7.10.04 External borders crossing and controls, visas	

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Civil Liberties, Justice and Home Affairs		10/06/2010
		S&D FAJON Tanja	
		Shadow rapporteur	
		PPE CORAZZA BILDT Anna Maria	
	Committee for opinion	Rapporteur for opinion	Appointed
	AFET Foreign Affairs		23/06/2010
		ALDE LUDFORD Baroness Sarah	
Council of the European Union	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	3043	08/11/2010
European Commission	Commission DG	Commissioner	
	Justice and Consumers	MALMSTRÖM Cecilia	

Key events			
27/05/2010	Legislative proposal published	COM(2010)0256	Summary
15/06/2010	Committee referral announced in Parliament, 1st reading		
28/09/2010	Vote in committee, 1st reading		Summary
30/09/2010	Committee report tabled for plenary, 1st reading	A7-0256/2010	
06/10/2010	Debate in Parliament		
07/10/2010	Results of vote in Parliament		
07/10/2010	Decision by Parliament, 1st reading	T7-0349/2010	Summary

08/11/2010	Act adopted by Council after Parliament's 1st reading		
24/11/2010	Final act signed		
24/11/2010	End of procedure in Parliament		
14/12/2010	Final act published in Official Journal		

Technical information

Procedure reference	2010/0137(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
Other legal basis	Rules of Procedure EP 159
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/03029

Documentation gateway

Legislative proposal		COM(2010)0256	27/05/2010	EC	Summary
Committee draft report		PE445.748	12/07/2010	EP	
Amendments tabled in committee		PE448.654	06/09/2010	EP	
Committee opinion	AFET	PE445.622	07/09/2010	EP	
Document attached to the procedure		SEC(2010)1085	14/09/2010	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A7-0256/2010	30/09/2010	EP	
Text adopted by Parliament, 1st reading/single reading		T7-0349/2010	07/10/2010	EP	Summary
Draft final act		00050/2010/LEX	24/11/2010	CSL	

Additional information

National parliaments	IPEX
European Commission	EUR-Lex

Final act

[Regulation 2010/1091](#)
[OJ L 329 14.12.2010, p. 0001](#) Summary

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

PURPOSE: to add Albania and Bosnia and Herzegovina to Annex II, Part I of Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from

that requirement.

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

LEGAL BASE: Article 77(2)(a) of the Treaty on the Functioning of the EU.

BACKGROUND: Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders (the negative list) and those whose nationals are exempt from that requirement (the positive list). The determination of those third countries whose nationals are subject to the visa requirement, and those exempt from it, is governed by a considered, case-by-case assessment of a variety of criteria relating inter alia to illegal immigration, public policy and security, and to the EU's external relations with third countries. Consideration is also given to the implications of regional coherence and reciprocity. In view of the criteria of public order and illegal immigration, particular attention should be paid also to the security of travel documents issued by the third countries concerned.

As the criteria set out in Regulation (EC) No 539/2001 can evolve over time in relation to third countries, the composition of the negative and positive lists should be reviewed when appropriate.

Regulation (EC) No 539/2001 has been amended most recently with regard to the outcome of the visa liberalisation dialogues by transferring the former Yugoslav Republic of Macedonia, Montenegro and Serbia to the positive list.

In a joint Declaration adopted in November 2009, the European Parliament and the Council underlined their political support for a quick abolition of the visa regime for the citizens of these two countries and urged the authorities of Albania and Bosnia and Herzegovina to intensify efforts to comply with all the benchmarks set out in the Commission's roadmaps. In addition, the European Parliament and the Council invited the Commission to present a legislative proposal for amending the Regulation (EC) No 539/2001 as soon as it had assessed that each country meets the benchmarks of the roadmaps, and took the commitment to examine the Commission proposal as a matter of urgency.

In April 2010, the Commission presented to the European Parliament and the Council its assessment of the progress made by these two countries in the implementation of the remaining open benchmarks of the roadmaps towards visa liberalisation. The assessment reports concluded that Albania and Bosnia and Herzegovina made important progress and only a very limited number of benchmarks remain open.

IMPACT ASSESSMENT: none

CONTENT: in proposing this amendment to Regulation (EC) No 539/2001 as last amended by Regulation (EC) No 1244/2009, the Commission is pursuing the objective of adjusting the annexes to the Regulation, taking into consideration the progress made in the visa liberalisation dialogues with Albania and Bosnia and Herzegovina during the last seven months and transferring these two countries from Annex I (the list of third countries whose nationals must be in possession of visas when crossing the external borders of Member States) to the Annex II (the list of those third countries whose nationals are exempt from that requirement) of the Regulation. This transfer is in line with the political commitment taken by the EU on the liberalisation of the short-stay visa requirement for all Western Balkan citizens as part of the Thessaloniki agenda.

Considering the introduction of biometric passports by the Western Balkan countries as an element of fundamental importance for the successful completion of the regional visa liberalisation process and as in Regulation (EC) No 1244/2009, the proposal, for reasons relating to security and prevention of illegal migration, limits the visa waiver for the citizens of Albania and Bosnia and Herzegovina to those persons holding the new biometric passports issued by these countries.

In parallel with the examination of its proposal in the European Parliament and the Council, the Commission will continue to assess the implementation of the open benchmarks for Albania and Bosnia and Herzegovina and it will share its assessment in a timely manner with the European Parliament and the Council.

For Albania, the remaining open benchmarks relate to:

- the development of a strategy and policy to support the reintegration of Albanian returnees;
- the strengthening of capacities of law enforcement and the effective implementation of the legal framework for the fight against organised crime and corruption, including through the allocation of adequate human and financial resources;
- the effective implementation of the legal framework in the area of the confiscation of organised crime assets.

For Bosnia and Herzegovina, the remaining open benchmarks relate to:

- the strengthening of capacities of law enforcement and the effective implementation of the legal framework for the fight against organised crime and corruption, including through the allocation of adequate human and financial resources;
- the progressive implementation of the action plan from March 2010 on establishment of electronic data exchange between police and prosecution bodies ;
- the harmonisation of the criminal codes of the entity level and Brcko district with the state-level criminal code.

As in Regulation (EC) No 1244/2009, there is no reason to make the implementation of the visa waiver for Albania and Bosnia and Herzegovina contingent on the conclusion of visa waiver agreements with the EU, taking into account the European vocation of these two countries and the fact that they have already exempted all EU citizens from the visa requirement.

FINANCIAL IMPLICATIONS: the proposed amendment has no implication on the European Union budget.

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

The Commission presents a Staff Working Document on the fulfilment of the open benchmarks by Albania and Bosnia and Herzegovina in the framework of the Commission 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. It examines the progress made by these two countries in complying with all outstanding benchmarks set out in the roadmaps. The Commission services consider that Albania and Bosnia and Herzegovina have taken all the necessary measures to fulfil all open benchmarks listed in the

Commission Proposal of 27 May 2010 and consequently can be transferred from the negative (Annex I) to the positive (Annex II) list of Regulation 539/2001. The Commission services will continue to work with the authorities of Albania and Bosnia and Herzegovina in these areas in the wider framework of the pre-accession process.

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

The Committee on Civil Liberties, Justice and Home Affairs adopted the report drafted 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 of Member States and those whose nationals are exempt from that requirement.

It recommended that the European Parliament adopts its position at first reading under the ordinary legislative procedure (former co-decision procedure) taking over the Commission proposal.

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

The European Parliament adopted by 538 votes to 47 with 41 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 of Member States and those whose nationals are exempt from that requirement.

The European Parliament adopted its position at first reading under the ordinary legislative procedure (former co-decision procedure) taking over the Commission proposal.

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

PURPOSE: to transfer Albania and Bosnia and Herzegovina from Annex I to Annex II, Part I of Regulation (EC) No 539/2001.

LEGISLATIVE ACT: Regulation (EU) No 1091/2010 of the European Parliament and of the Council amending Council 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: in accordance with the political commitment made by the EU on the liberalisation of the short-term visa requirement for citizens of the Western Balkan countries as part of the Thessaloniki Agenda and taking into consideration the progress made since December 2009 in the visa liberalisation dialogues with Albania and Bosnia and Herzegovina, the Commission considers that those two countries have met the benchmarks of their respective roadmaps. Accordingly, this Regulation provides that Albania and Bosnia and Herzegovina will be transferred to Annex II to Regulation (EC) No 539/2001. Visa liberalisation will apply only to holders of biometric passports issued by each of those two countries. The Regulation was adopted unanimously in Council.

With this Regulation Albania and Bosnia and Herzegovina join the former Yugoslav Republic of Macedonia (FYROM), Montenegro and Serbia who already joined the visa free regime on 19 December 2009.

The Commission entered a statement to the minutes of the Council meeting on the establishment of a follow-up mechanism to the visa liberalisation process for the Western Balkan countries. This follow-up mechanism concerns the monitoring of the reforms which these countries need to continue to carry out. It also introduces emergency consultation arrangements so that the European Union and its Member States can, in cooperation with the authorities of the countries concerned, react in the best possible conditions to any specific difficulties which might arise with flows of persons from the countries of the Western Balkans and states that the Commission may if necessary propose the suspension of visa free travel. The Commission will report back regularly to the Council and the European Parliament.

ENTRY INTO FORCE : 15/12/2010