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Committee on Civil Liberties, Justice and Home Affairs

2009/0104(CNS)

15.10.2009

AMENDMENTS

7 - 23

Draft report
Tanja Fajon
(PE428.146v01-00)

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

Proposal for a regulation
(COM(2009)0366 – C7-0112/2009 – 2009/0104(CNS))

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United in diversity

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Amendment 7

Anna Maria Corazza Bildt, Anne Delvaux, Monika Hohlmeier, Mario Mauro, Monica Luisa Macovei, Nadezhda Mihaylova, Ernst Strasser, Axel Voss, Kinga Gál, Tunne Kelam, Alf Svensson, Ria Oomen-Ruijten, Simon Busuttil, Eduard Kukan, Carlo Casini, Michael Gahler, Marietta Giannakou

Proposal for a regulation

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

Amendment

(1) ***The visa liberalisation dialogue initiated by the Commission with a regional approach and a European perspective, includes countries of the Western Balkans, namely Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia on an equal footing and without any discrimination.***

The composition of the list 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. ***The same criteria laid down in the roadmaps for visa liberalisation should be applied to all countries concerned.***

Or. en

Amendment 8

Anna Maria Corazza Bildt, Anne Delvaux, Monika Hohlmeier, Mario Mauro, Monica Luisa Macovei, Nadezhda Mihaylova, Ernst Strasser, Axel Voss, Kinga Gál, Tunne Kelam, Alf Svensson, Ria Oomen-Ruijten, Simon Busuttil, Eduard Kukan, Carlo Casini, Michael Gahler, Marietta Giannakou

Proposal for a regulation

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.

Or. en

Amendment 9

Tanja Fajon

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) With the aim of furthering the implementation of the Thessaloniki agenda, the Commission should start a visa dialogue with Kosovo under UNSCR 1244/99 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 Kosovo¹,

¹ 22 Member States have, to date, recognised Kosovo as an independent state while five have

not.

Or. en

Justification

This amendment reminds that Kosovo, which is not recognised by all the Member States as an independent state, is neither covered by a visa liberalisation dialogue with Serbia nor by a separate dialogue with authorities in Pristina. It is essential to remind that visa liberalisation process covers the whole region as provided in the Thessaloniki agenda and other EU documents.

Amendment 10

Ioan Enciu, Adrian Severin

Proposal for a regulation

Recital 2 a (new)

Text proposed by the Commission

Amendment

(2a) With the aim of furthering the implementation of the Thessaloniki agenda, the Commission should start a visa liberalisation dialogue with Kosovar authorities and establish a roadmap for visa liberalisation similar to those established with other Western Balkan countries. This should be without prejudice to the status of Kosovo and with due respect for UNSC resolution 1244/99.

Or. en

Amendment 11

Anna Maria Corazza Bildt, Anne Delvaux, Kinga Gál, Monika Hohlmeier, Mario Mauro, Monica Luisa Macovei, Nadezhda Mihaylova, Ernst Strasser, Axel Voss, Tunne Kelam, Alf Svensson, Ria Oomen-Ruijten, Simon Busuttil, Eduard Kukan, Carlo Casini, Michael Gahler, Marietta Giannakou

Proposal for a regulation

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 should start a visa dialogue with Kosovo and establish a tailor-made roadmap for visa facilitation and 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.

Or. en

Amendment 12
Hélène Flautre, Franziska Keller

Proposal for a regulation
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 Serbian authorities as an administrative boundary, which might negatively influence effective inter-state border controls, the Commission should request the Serbian government to implement at that border or boundary the same measures and controls it does at its 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 13
Tanja Fajon

Proposal for a regulation
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 and Serbia [***Montenegro and Serbia*** meeting all the benchmarks by the date of adoption of the present Regulation] ***and Albania and Bosnia and Herzegovina [as regards Albania and Bosnia and Herzegovina, the exemption from the visa requirement should apply after an assessment by the Commission that each of those countries meets all the benchmarks set in the roadmap for visa liberalisation and after that assessment is approved by the Council]***, should be transferred to Annex II to Regulation (EC) No 539/2001. ***That*** 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 14
Tatjana Ždanoka

Proposition de règlement
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 and Serbia [***Montenegro and Serbia*** meeting all the benchmarks by the date of adoption of the present Regulation] ***and Albania and Bosnia and Herzegovina [as regards Albania and Bosnia and Herzegovina, the exemption from the visa requirement should 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]***, should be transferred to Annex II to Regulation (EC) No 539/2001.

Or. en

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. The application of the visa waiver to holders of biometric passports only is unjustified.

Amendment 15

Anna Maria Corazza Bildt, Anne Delvaux, Kinga Gál, Monika Hohlmeier, Mario Mauro, Monica Luisa Macovei, Nadezhda Mihaylova, Ernst Strasser, Axel Voss, Tunne Kelam, Alf Svensson, Ria Oomen-Ruijten, Simon Busuttil, Eduard Kukan, Carlo Casini, Michael Gahler, Marietta Giannakou

**Proposal for a regulation
Recital 4 a (new)**

Text proposed by the Commission

Amendment

(4a) As regards Albania and Bosnia and Herzegovina, the Commission should, without delay and not later than in the spring of 2010, present its report on the achievements made by those two countries in meeting all the benchmarks set in the roadmap.

Or. en

Amendment 16

Anna Maria Corazza Bildt, Anne Delvaux, Kinga Gál, Monika Hohlmeier, Mario Mauro, Monica Luisa Macovei, Nadezhda Mihaylova, Ernst Strasser, Axel Voss, Tunne Kelam, Alf Svensson, Ria Oomen-Ruijten, Simon Busuttil, Eduard Kukan, Carlo Casini, Michael Gahler, Marietta Giannakou

**Proposal for a regulation
Recital 4 b (new)**

Text proposed by the Commission

Amendment

(4b) Thereafter and without delay, the Commission should present a proposal for the corresponding amending regulation.

Without prejudice to the legal framework under which the European Union will be operating by the spring of 2010 and the role that the European Parliament, for its part, could play, the Council commits itself to immediately finalise the corresponding Council regulation extending the visa-free travel regime to Albania and Bosnia and Herzegovina.

The Council calls upon Member States and the Commission to then take all

necessary legal and technical measures to ensure immediate implementation of the visa-free travel regime.

Or. en

Amendment 17

Anna Maria Corazza Bildt, Anne Delvaux, Kinga Gál, Monika Hohlmeier, Tunne Kelam, Mario Mauro, Nadezhda Mihaylova, Ernst Strasser, Alf Svensson, Axel Voss, Tunne Kelam, Ria Oomen-Ruijten, Simon Busuttil, Eduard Kukan, Carlo Casini, Michael Gahler, Marietta Giannakou

**Proposal for a regulation
Recital 4 c (new)**

Text proposed by the Commission

Amendment

(4c) The Council, while commending the relevant recent progress achieved by Albania and Bosnia and Herzegovina towards meeting the benchmarks, calls on the relevant Albanian and Bosnia and Herzegovina authorities to adopt, without delay, the necessary reforms to fully meet the benchmarks.

Or. en

Amendment 18

Anna Maria Corazza Bildt, Anne Delvaux, Kinga Gál, Monika Hohlmeier, Tunne Kelam, Mario Mauro, Monica Luisa Macovei, Nadezhda Mihaylova, Ernst Strasser, Alf Svensson, Axel Voss, Ria Oomen-Ruijten, Simon Busuttil, , Eduard Kukan, Carlo Casini, Michael Gahler, Marietta Giannakou

**Proposal for a regulation
Recital 4 d (new)**

Text proposed by the Commission

Amendment

(4d) The Council asks the Commission to assist the relevant authorities of Albania and Bosnia and Herzegovina in this respect.

Amendment 19
Cristian Dan Preda, Renate Weber

Proposal for a regulation
Recital 5 a (new)

Text proposed by the Commission

Amendment

(5a) This process of visa liberalisation should serve as a reference for defining relations with the Eastern partners of the European Union and particularly with Moldova, a country in which there has recently been a significant democratic shift.

Or. en

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 20
Tanja Fajon

Proposal for a regulation
Article 1 - paragraph 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 *

** The name of the country shall be deleted from this Annex after an assessment by the Commission that the country in question meets all the benchmarks set in the roadmap for visa liberalisation is approved by the Council and notice of the assessment and Council's decision is published in the Official Journal of the European Union."*

Or. en

Justification

The consequence of Amendment 6 which adds Albania and Bosnia to the list of the countries with exemption of visa requirement. The visa liberalisation will apply only when all the benchmarks are fulfilled.

Amendment 21

Anna Maria Corazza Bildt, Simon Busuttil, Anne Delvaux, Kinga Gál, Monika Hohlmeier, Tunne Kelam, Mario Mauro, Monica Macovei, Nadezhda Mihaylova, Ria Oomen-Ruijten, Ernst Strasser, Alf Svensson, Axel Voss, Eduard Kukan, Carlo Casini, Michael Gahler, Marietta Giannakou

Proposal for a regulation

Article 1 - paragraph 1 - point a a (new)

Regulation (EC) No 539/2001

Annex I - part 1

Text proposed by the Commission

Amendment

(aa) in Part 1, the references to Albania and Bosnia and Herzegovina are replaced by the following:

*"Albania**,*

*Bosnia and Herzegovina ***

*** The exemption from the visa requirement granted to holders of biometric passports will apply in accordance with Community law"*

Or. en

Amendment 22

Tanja Fajon

Proposal for a regulation

Article 1 - paragraph 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*)]*

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

Amendment

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*)] **

** The exemption from the visa requirement shall apply after an assessment by the Commission that the country in question meets all the benchmarks set in the roadmap for visa liberalisation is approved by the Council and notice of the assessment and Council's decision is published in the Official Journal of the European Union.*

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

Or. en

Justification

This Amendment is necessary to provisionally add Albania and Bosnia to the list of the countries with exemption of visa requirement, which will contribute to fulfilment of the longstanding EU policy for the region, in particular implementation of the Thessaloniki agenda. The visa liberalisation will apply only when all the benchmarks are fulfilled.

Amendment 23
Tatjana Ždanoka

Proposal for a regulation
Article 1 - paragraph 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*)]*

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

Amendment

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*)

* 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 after notice of the assessment is published in the Official Journal of the European Union.**"

Or. en

Justification

This Amendment is necessary to provisionally add Albania and Bosnia to the list of the countries with exemption of visa requirement, which will contribute to fulfilment of the longstanding EU policy for the region, in particular implementation of the Thessaloniki agenda. The visa liberalisation will apply only when all the benchmarks are fulfilled. The application of the visa waiver to holders of biometric passports only is unjustified.