



**COUNCIL OF
THE EUROPEAN UNION**

Brussels, 28 October 2010

15433/10

**Interinstitutional File:
2010/0137 (COD)**

**VISA 249
COWEB 273
CODEC 1126
COMIX 698**

NOTE

from: Presidency

to: Permanent Representatives Committee/Mixed Committee
Council/Mixed Committee

No. Cion. prop.: 10364/10 VISA 145 COWEB 159 CODEC 496 COMIX 400 (COM (2010) 256 final)

No. doc. prec. : 15060/10 VISA 240 COWEB 263 CODEC 1073 COMIX 669

Subject: Proposal for a Regulation of the European Parliament and of the Council of the European Union 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 **(first reading)**
- Adoption of the legislative act **(LA+ S)**

I INTRODUCTION

On 27 May 2010 the Commission transmitted the Council the above proposal which is based on Article 77(2)(a) TFEU ¹.

The proposal aims at transferring Albania and Bosnia and Herzegovina from Annex I (visa requirement) to Annex II (no visa requirement) of Regulation (EC) No 539/2001 in relation to holders of biometric passports.

¹ This Regulation constitutes a development of provisions of the Schengen acquis in which the United Kingdom and Ireland do not take part. The United Kingdom and Ireland are therefore not taking part in its adoption and are not bound by it or subject to its application

The Committee on Civil Liberties, Justice and Home Affairs of the European Parliament voted its report on 28 September 2010. The European Parliament adopted its position on 7 October 2010 by approving the proposal of the Commission without any amendments.

The proposal was examined in Coreper on 29 September and 20 October 2010, on the latest occasion on the basis of doc. 15060/10.

The Permanent Representatives Committee is now asked to reach agreement on the file and to recommend to the Justice and Home Affairs Council on 8 November 2010 to adopt the legislative act.

II STATE OF PLAY

At the time when the proposal of the Commission was submitted, certain benchmarks in the visa liberalisation roadmaps for Albania and Bosnia and Herzegovina remained open. The explanatory note to the proposal indicates that the proposal therefore was made with the understanding that by the day of the adoption of the proposal, the two countries should fulfil all the benchmarks.

In the most recent assessment report, set out in the Commission staff working document of 14 September 2010 in doc. 13749/10, it is concluded that the Commission services consider that the two countries have taken all the necessary measures to fulfil all open benchmarks listed in the explanatory note to the Commission proposal and consequently can be transferred to the positive list (Annex II) of Regulation 539/2001.

At the meeting of Coreper on 20 October 2010, a large majority of delegations could agree to the proposal as adopted by the European Parliament. However, to meet concerns expressed by certain delegations, the Commission envisaged entering a statement to the minutes of the Council at the adoption of the Regulation on the follow-up of the visa liberalisation process.

The Commission has indicated it will submit its statement at the meeting of Coreper on 3 November 2010.

The proposal adopted by the European Parliament, as revised by the legal/linguistic experts, is set out in doc. PE-CONS 50/10.

III CONCLUSION

The Permanent Representatives Committee is therefore asked to reach agreement and advise the Council:

- to adopt the Regulation, as set out in PE-CONS 50/10, at the meeting of the Justice and Home Affairs Council on 8 November 2010
- to take note of the statement to be submitted by the Commission, and to order that statement to be entered in the minutes of that meeting.

After being signed by the President of the European Parliament and the President of the Council, the legislative act will be published in the Official Journal of the European Union.
