



EUROPEAN PARLIAMENT

2009 - 2014

Plenary sitting

A7-0256/2010

30.9.2010

*****I**
REPORT

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 (COM(2010)0256 – C7-0134/2010 – 2010/0137(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Tanja Fajon

Symbols for procedures

- * Consultation procedure
- *** Consent procedure
- ***I Ordinary legislative procedure (first reading)
- ***II Ordinary legislative procedure (second reading)
- ***III Ordinary legislative procedure (third reading)

(The type of procedure depends on the legal basis proposed by the draft act.)

Amendments to a draft act

In amendments by Parliament, amendments to draft acts are highlighted in ***bold italics***. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the draft act which may require correction when the final text is prepared – for instance, obvious errors or omissions in a language version. Suggested corrections of this kind are subject to the agreement of the departments concerned.

The heading for any amendment to an existing act that the draft act seeks to amend includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend. Passages in an existing act that Parliament wishes to amend, but that the draft act has left unchanged, are highlighted in **bold**. Any deletions that Parliament wishes to make in such passages are indicated thus: [...].

CONTENTS

	Page
DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION	5
EXPLANATORY STATEMENT.....	6
OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS	8
PROCEDURE	11

DRAFT EUROPEAN PARLIAMENT 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 (COM(2010)0256 – C7-0134/2010 – 2010/0137(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2010)0256),
 - having regard to Article 294(2) and Article 77(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C7-0134/2010),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 55 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A7-0256/2010),
1. Adopts its position at first reading, taking over the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

The European Union is a strong supporter of the abolishment of the visa regime for all the countries of the Western Balkans. The process of reuniting people of our continent will not be finished as long as all the Europeans won't be able to freely travel to the European Union. The visa regime has isolated the citizens of Western Balkan countries for too long.

The abolition of visas for citizens of the Former Yugoslav Republic of Macedonia, Montenegro and Serbia in December 2009 was an important step towards their European integration and proved that the countries of the region are capable of delivering the necessary reforms. A visa-free regime has a great importance in people's lives as it strengthens people to people's contacts and brings about the realisation of the idea of free movement as one of the fundamental rights in Europe.

Every effort should now be made to deliver visa-free travel for Bosnia and Herzegovina and Albania as soon as possible. We should bear in mind that after the break up of Yugoslavia, after cruel wars brutally divided the region and left very deep wounds in peoples' minds and hearts and hundreds of thousands of refugees and migrants fled the region, we witness the growth of a young generation, which is cut off from the unifying and prosperous Union. Do we really want to keep the door shut to our close neighbours, to the countries which try their best to please us? We are not deciding about granting jobs or residential rights, we are deciding about the basic right of a future EU citizen to freely travel to the Union.

Bosnia and Herzegovina and Albania have made an important progress in the last few months after the European Commission last July decided they do not qualify for visa liberalisation. By prizing only some nations, there is always a risk to destabilise the region and cut the political and ethnical puzzles in even smaller pieces. Therefore, it is necessary not to lose too much time. Their governments worked hard in the last few months, so they could repair their own mistakes and delays and deliver the same quality as their neighbouring countries.

I do support the May proposal of the European Commission for amending the Regulation (EC) No 539/2001, which takes into consideration the progress made in the visa liberalisation dialogues with Albania and Bosnia and Herzegovina during the last few months and proposes to transfer the 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). In my draft report, I do not see the need for any amendment as I wish the process in the European Parliament to continue smoothly and quickly.

We have to make sure that the European Parliament will, in view of the commitment by the Council and the Parliament in their Joint Statement in November 2009 “to examine a proposal for amending Regulation (EC) No 539/2001 concerning Albania and Bosnia and Herzegovina as a matter of urgency”, take all the necessary steps to deal with the Commission proposal as quickly as possible and strongly hope that the Council is also committed to the same objective.

An assurance that the European Union will deliver visa free-travel to both countries, especially to Bosnia and Herzegovina, in the very near future – by early Autumn 2010 – will lower the risk of even greater ethnic and political instability, strengthen political and

economic cooperation in the region and increase popular support for the EU and the prospect of European integration, widen people's horizons and stem the anti-European and extremist forces.

Kosovo remains a serious concern. It is the only part of the Western Balkans which is completely left out of the visa liberalisation process, not even a perspective of talks is envisaged. This is naturally caused by a division among the Member States towards recognising its independence. The political complexity of the problem is understandable but the people of Kosovo should not be left in a black hole created by those disagreements. I believe that the Parliament should put pressure on both the Commission and the Council to find a way to engage Kosovo in visa liberalization process as soon as possible. It will push forward necessary structural reforms.

The European Union has a political responsibility to carry out this process. It's paradoxical that more than 20 years after the fall of the Berlin wall, we still have “visa walls” in our direct neighbourhood. It's even greater paradox that people there could freely travel not even 20 years ago. If we want to unite our citizens in our continent, young people in particular need to be able to travel. They need to have the chance to visit their friends or family abroad and study. Visa liberalisation has an important psychological impact in the minds of people. And here we are not talking about politicians, businessmen or people with money. They have their ways to travel outside their countries. We are concerned about students, people who still today queue in the long lines in front of the consulates. All parties involved share the responsibility to finalise the visa liberalisation process for the Western Balkans as the direct impact it has on the quality of citizens' lives will help encourage state and government institutions and politicians in their efforts to pursue the necessary reforms on the road towards EU membership.

7.9.2010

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

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
(COM(2010)0256 – C7-0134/2010 – 2010/0137(COD))

Rapporteur: Sarah Ludford

SHORT JUSTIFICATION

The European Parliament has been consistently calling for the liberalisation of the visa regime for the Western Balkan countries. This regime has never succeeded in its aim of preventing the criminal networks from crossing the borders; it has however hurt the ordinary people from the Balkans, not allowing them to see with their own eyes what the European Union stands for and to develop social and professional contacts with their counterparts in the EU Member States.

On 19 December 2009 three countries - Serbia, Montenegro and the former Yugoslav Republic of Macedonia - were given visa-free access to the EU. Albania and Bosnia and Herzegovina were not included in the initial proposal but they have recently made substantial efforts to fulfil the benchmarks in order to qualify for the same waiver. The current proposal to liberalise the visa regime for these countries acknowledges this progress and is an important step in extending the visa-free access to the whole region.

This process should not stop with the current proposal. Kosovo's citizens should not be left feeling isolated as the only peoples in the Western Balkans not being able to travel freely but visa facilitation and eventually visa liberalisation should also be extended to the country. Therefore, the Commission should start the visa dialogue with Kosovo so that the visa facilitation can be granted as soon as the authorities fulfil all the benchmarks.

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to propose approval of the Commission proposal.

PROCEDURE

Title	Amendment to 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
References	COM(2010)0256 – C7-0134/2010 – 2010/0137(COD)
Committee responsible	LIBE
Opinion by Date announced in plenary	AFET 15.6.2010
Rapporteur Date appointed	Baroness Sarah Ludford 23.6.2010
Discussed in committee	6.9.2010
Date adopted	6.9.2010
Result of final vote	+ : 41 - : 2 0 : 3
Members present for the final vote	Gabriele Albertini, Sir Robert Atkins, Dominique Baudis, Bastiaan Belder, Frieda Brepoels, Arnaud Danjean, Marietta Giannakou, Ana Gomes, Andrzej Grzyb, Heidi Hautala, Anneli Jäätteenmäki, Jelko Kacin, Ioannis Kasoulides, Tunne Kelam, Maria Eleni Koppa, Andrey Kovatchev, Barry Madlener, Kyriakos Mavronikolas, Alexander Mirsky, Annemie Neyts-Uyttebroeck, Raimon Obiols, Kristiina Ojuland, Pier Antonio Panzeri, Alojz Peterle, Bernd Posselt, Hans-Gert Pötering, Cristian Dan Preda, José Ignacio Salafranca Sánchez-Neyra, Jacek Saryusz-Wolski, Werner Schulz, Adrian Severin, Marek Siwiec, Hannes Swoboda, Charles Tannock, Geoffrey Van Orden, Graham Watson
Substitute(s) present for the final vote	Emine Bozkurt, Reinhard Bütikofer, Lorenzo Fontana, Roberto Gualtieri, Baroness Sarah Ludford, Nadezhda Neynsky, Doris Pack, György Schöpflin, Dominique Vlasto
Substitute(s) under Rule 187(2) present for the final vote	Filip Kaczmarek

PROCEDURE

Title	Amendment to 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			
References	COM(2010)0256 – C7-0134/2010 – 2010/0137(COD)			
Date submitted to Parliament	27.5.2010			
Committee responsible Date announced in plenary	LIBE 15.6.2010			
Committee(s) asked for opinion(s) Date announced in plenary	AFET 15.6.2010			
Rapporteur(s) Date appointed	Tanja Fajon 10.6.2010			
Discussed in committee	23.6.2010	13.7.2010	2.9.2010	28.9.2010
Date adopted	28.9.2010			
Result of final vote	+: -: 0:	49 2 0		
Members present for the final vote	Jan Philipp Albrecht, Roberta Angelilli, Vilija Blinkevičiūtė, Rita Borsellino, Emine Bozkurt, Simon Busuttil, Philip Claeys, Carlos Coelho, Agustín Díaz de Mera García Consuegra, Cornelia Ernst, Tanja Fajon, Hélène Flautre, Kinga Gál, Kinga Göncz, Sylvie Guillaume, Ágnes Hankiss, Anna Hedh, Salvatore Iacolino, Sophia in 't Veld, Livia Járóka, Teresa Jiménez-Becerril Barrio, Timothy Kirkhope, Juan Fernando López Aguilar, Baroness Sarah Ludford, Clemente Mastella, Véronique Mathieu, Nuno Melo, Louis Michel, Claude Moraes, Jan Mulder, Georgios Papanikolaou, Carmen Romero López, Judith Sargentini, Birgit Sippel, Csaba Sógor, Rui Tavares, Valdemar Tomaševski, Wim van de Camp, Daniël van der Stoep, Axel Voss			
Substitute(s) present for the final vote	Alexander Alvaro, Edit Bauer, Anna Maria Corazza Bildt, Ioan Enciu, Stanimir Ilchev, Iliana Malinova Iotova, Wolfgang Kreissl-Dörfler, Jean Lambert, Petru Constantin Luhan, Mariya Nedelcheva, Cecilia Wikström			