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COVER NOTE

From:	Secretary-General of the European Commission, signed by Ms Martine DEPREZ, Director
date of receipt:	10 March 2023
To:	Ms Thérèse BLANCHET, Secretary-General of the Council of the European Union
No. Cion doc.:	COM(2023) 138 final
Subject:	COMMUNICATION FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT pursuant to Article 294(6) of the Treaty on the Functioning of the European Union concerning the position of the Council on the proposal for a Regulation of the European Parliament and of the Council on 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 (Kosovo*)

Delegations will find attached document COM(2023) 138 final.

Encl.: COM(2023) 138 final

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.



Brussels, 10.3.2023
COM(2023) 138 final

2016/0139 (COD)

**COMMUNICATION FROM THE COMMISSION
TO THE EUROPEAN PARLIAMENT**

pursuant to Article 294(6) of the Treaty on the Functioning of the European Union

concerning the

**position of the Council on the proposal for a Regulation of the European Parliament and
of the Council on 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 (Kosovo^{*})**

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1. BACKGROUND

Date of transmission of the proposal to the European Parliament and [10 May 2016].
to the Council
(document COM(2016) 277 – 2016/0139 COD):

Date of the position of the European Parliament, first reading: [28 March 2019].

Date of adoption of the position of the Council: [9 March 2023].

2. OBJECTIVE OF THE PROPOSAL FROM THE COMMISSION

The aim of the proposal is:

- (a) To allow Kosovo citizens to travel to the EU without a visa for 90 days in any 180-day period by transferring Kosovo to the EU's visa-free list of third countries.
- (b) To recognise the continuous commitment of the Kosovo authorities in fulfilling the benchmarks of the Visa Liberalisation Roadmap, which have been assessed as fulfilled by the European Commission since July 2018.
- (c) To offer the entire Western Balkans region visa-free access towards the Schengen area with the inclusion of Kosovo in the list and therefore continue to increase the ties and people-to-people contacts between the EU and the entire region, while ensuring that joint efforts are pursued to fight against organised crime and irregular migration.

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3. COMMENTS ON THE POSITION OF THE COUNCIL

The position of the Council as adopted in the first reading fully reflects the agreement reached in the first and only trilogue between the European Parliament, the Council and the Commission held on 14 December 2022. The main points of this agreement reflected in the recitals of the Regulation are the following:

- Kosovo has met the requirements of its roadmap towards a visa-free regime. The exemption from the visa requirement will ensure that the whole Western Balkan region is subject to the same visa regime.
- The exemption from the visa requirement will apply only to holders of biometric passports issued by Kosovo in line with the standards of the International Civil Aviation Organisation (ICAO), and will apply on the date on which the European Travel Information and Authorisation System (ETIAS) starts operations , or from 1 January 2024, whichever date comes first.
- Before the application of the exemption from the visa requirement, it is important that readmission agreements or arrangements, as applicable, be concluded with the Member States that do not yet have such an agreement or arrangement. Once concluded, Kosovo is to fully implement those, while respecting the principle of non-refoulement.
- Kosovo should seek to further align its visa policy with the EU’s list of visa-required third countries, in particular those third countries presenting irregular migration or security risks to the EU.
- The Commission is to actively monitor the implementation of the requirements of the roadmap towards a visa-free regime with Kosovo, and the alignment of visa policy, through the visa suspension mechanism.

The Commission supported the agreement reached at the trilogue, which allowed to move forward on a long-standing proposal of the Commission to include Kosovo in the list of visa free-travel and would therefore result in having the whole Western Balkan region covered by a visa-free regime when travelling to the EU.

4. CONCLUSION

The Commission accepts the position taken by the Council.