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INFORMATION NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1806 as regards holders of Serbian passports issued by the Serbian Coordination Directorate (Koordinaciona uprava) – Outcome of the European Parliament's first reading (Strasbourg, 22 to 25 April 2024)

I. INTRODUCTION

On 10 April 2024, the Permanent Representatives Committee confirmed that should the European Parliament approve the abovementioned Commission's proposal without amendments, the Council would approve the European Parliament's position.

On 9 April 2024, the rapporteur, Matjaž NEMEC (S&D, SI), presented a report on behalf of the Committee on Civil Liberties, Justice and Home Affairs (LIBE), aiming at taking over the Commission proposal.

This file was expected¹ to undergo the Corrigendum procedure² in the European Parliament after adoption by the outgoing Parliament of its position at first reading.

¹ 10819/24.

² Rule 241, EP Rules of Procedure.

II. VOTE

The Parliament adopted its first-reading position on 23 April 2024 by taking over the Commission proposal.

After finalisation of the adopted text by the legal linguists, on 8 July 2024 the European Parliament transmitted to the Council its first-reading position, which is contained in its legislative resolution as set out in the Annex hereto.

The Council should be able to approve the position of the European Parliament, thus bringing to a close the first reading for both Institutions.

The act would then be adopted in the wording which corresponds to the Parliament's position.

P9_TA(2024)0305

**Visa exemption for holders of Serbian passports issued by the Serbian
Coordination Directorate**

**European Parliament legislative resolution of 23 April 2024 on the proposal for a regulation
of the European Parliament and of the Council amending Regulation (EU) 2018/1806 as
regards holders of Serbian passports issued by the Serbian Coordination Directorate
(Koordinaciona uprava) (COM(2023)0733 – C9-0412/2023 – 2023/0418(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2023)0733),
 - having regard to Article 294(2) and Article 77(2), point (a), of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C9-0412/2023),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to the undertaking given by the Council representative by letter of 10 April 2024 to approve Parliament's position, in accordance with Article 294(4) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A9-0172/2024),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Position of the European Parliament adopted at first reading on 23 April 2024 with a view to the adoption of Regulation (EU) 2024/... of the European Parliament and of the Council amending Regulation (EU) 2018/1806 as regards holders of Serbian passports issued by the Serbian Coordination Directorate (*Koordinaciona uprava*)

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), point (a), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure¹,

¹ Position of the European Parliament of 23 April 2024 [(OJ ...)/(not yet published in the Official Journal)] and decision of the Council of

Whereas:

- (1) Regulation (EU) 2018/1806 of the European Parliament and of the Council² lists the third countries whose nationals are to be in possession of a visa when crossing the external borders of the Member States (the ‘visa requirement’) and those whose nationals are exempt from the visa requirement for stays of no more than 90 days in any 180-day period (the ‘visa exemption’).
- (2) By means of Council Regulation (EC) No 1244/2009³, Serbia was transferred to the list of countries whose nationals are exempt from the visa requirement. That Regulation excluded from the visa exemption holders of Serbian passports issued by the Serbian Coordination Directorate (in Serbian: *Koordinaciona uprava*).

² Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 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 (OJ L 303, 28.11.2018, p. 39).

³ Council Regulation (EC) No 1244/2009 of 30 November 2009 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 (OJ L 336, 18.12.2009, p. 1).

- (3) Following the adoption of Regulation (EU) 2023/850 of the European Parliament and of the Council⁴, which transferred Kosovo* from Part 2 of Annex I to Part 4 of Annex II to Regulation (EU) 2018/1806, holders of Serbian passports issued by the Serbian Coordination Directorate remain the only citizens of the Western Balkan region subject to the visa requirement.
- (4) In order to ensure that the whole Western Balkan region is subject to the same visa regime, holders of Serbian passports issued by the Serbian Coordination Directorate should be included in the reference to Serbia in Part 1 of Annex II to Regulation (EU) 2018/1806.

⁴ Regulation (EU) 2023/850 of the European Parliament and of the Council of 19 April 2023 amending Regulation (EU) 2018/1806 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)(OJ L 110, 25.4.2023, p. 1).

* 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.

- (5) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen *acquis*⁵ which fall within the area referred to in Article 1, point B, of Council Decision 1999/437/EC⁶.
- (6) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁷ which fall within the area referred to in Article 1, points B and C, of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC⁸.

⁵ OJ L 176, 10.7.1999, p. 36.

⁶ Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31).

⁷ OJ L 53, 27.2.2008, p. 52.

⁸ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1).

- (7) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*⁹ which fall within the area referred to in Article 1, points B and C, of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2011/350/EU¹⁰.
- (8) This Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC¹¹; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.
- (9) As regards Cyprus, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within the meaning of Article 3(1) of the 2003 Act of Accession,

HAVE ADOPTED THIS REGULATION:

⁹ OJ L 160, 18.6.2011, p. 21.

¹⁰ Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

¹¹ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Article 1

In Part 1 of Annex II to Regulation (EU) 2018/1806, the entry ‘Serbia (excluding holders of Serbian passports issued by the Serbian Coordination Directorate (in Serbian: *Koordinaciona uprava*)) (2)’ is replaced by the following:

‘Serbia (including holders of Serbian passports issued by the Serbian Coordination Directorate (in Serbian: *Koordinaciona uprava*)) (*)

(*) The exemption from the visa requirement shall only apply to holders of biometric passports issued in line with the standards of the International Civil Aviation Organization (ICAO).’.

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at ...,

For the European Parliament
The President

For the Council
The President
