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'I' ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee (Part 2)
No. Cion doc.:	15074/23
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) – Analysis of the final compromise text with a view to agreement

I. INTRODUCTION

1. On 16 November 2023, the Commission submitted to the Council and the European Parliament a proposal¹ 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). The aim of the proposal was to include the holders of Serbian passports issued by the Serbian Coordination Directorate within the reference to Serbia in Annex II of the Visa Regulation and therefore allow them to benefit from the visa-free regime.
2. The draft Regulation is based on Article 77(2), point (a), of the Treaty on the Functioning of the European Union (TFEU) (ordinary legislative procedure).

¹ 15074/23.

II. STATE OF PLAY AND THE FINAL COMPROMISE TEXT

3. In the Council, at its meeting on 14 February 2024, the Permanent Representatives Committee granted the Belgian Presidency a mandate² to enter into negotiations with the European Parliament. The Council position carries over the Commission proposal with no further changes.
4. In the European Parliament, the Committee on Civil Liberties, Justice and Home Affairs (LIBE) was designated as responsible. The ID group was allocated the file and Mr Jean-Paul Garraud (ID, FR) appointed rapporteur. Subsequently the file was reallocated to the S&D group and Mr Matjaž Nemec (S&D, SI) appointed rapporteur.
5. On 9 April 2024, LIBE voted its position on the file, which carries over the Commission proposal with no amendments.
6. The mandate of the two co-legislators being identical and coinciding with the original Commission proposal, no interinstitutional negotiations were needed.
7. In order to take into account Council Decision (EU) 2024/210³, recital (9) as regard Bulgaria and Romania will be adapted during the legal-linguistic finalisation.

III. CONCLUSION

8. The Permanent Representatives Committee is therefore invited to:
 - confirm agreement on the final compromise text as set out in the annex to this note with a view to reaching an agreement at first reading with the European Parliament;

² 6593/24.

³ Council Decision (EU) 2024/210 of 30 December 2023 on the full application of the provisions of the Schengen acquis in the Republic of Bulgaria and Romania, OJ L, 4.1.2024.

- authorise the Chair of the Permanent Representatives Committee to send a letter to inform the Chair of the European Parliament's Committee on Civil Liberties, Justice and Home Affairs that, should the European Parliament adopt its position at first reading on the text of the proposal in the exact form as set out in the annex to this note, subject to revision of that text by the lawyer-linguists of both institutions, the Council will approve the European Parliament's position and the act will be adopted in the wording which corresponds to the European Parliament's position.
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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)

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 procedure,

Whereas:

- (1) Regulation (EU) 2018/1806 of the European Parliament and of the Council¹ lists the third countries whose nationals are to be in possession of visas when crossing the external borders of the Member States and those whose nationals are exempt from that requirement for stays of no more than 90 days in any 180-day period.
- (2) Serbia was transferred to the list of countries whose nationals are exempted from the visa requirement by Council Regulation (EC) No 1244/2009². That Regulation included an exclusion to the visa exemption concerning Kosovo Serbs holders of Serbian passports issued by the Serbian Coordination Directorate (in Serbian: Koordinaciona uprava).

¹ 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).

² 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).

- (3) Following the adoption of Regulation (EU) 2023/850 of the European Parliament and of the Council³ transferring Kosovo to Part 4 of Annex II to Regulation (EU) 2018/1806, holders of Serbian passports issued by the Serbian Coordination Directorate would remain the only citizens of the Western Balkan region required to be in possession of a visa for the crossing of Member States' external borders.
- (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 thus be included in the reference to Serbia in Annex II to Regulation (EU) 2018/1806.
- (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*, which fall within the area referred to in Article 1, point B, of Council Decision 1999/437/EC⁴.
- (6) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement signed 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*⁵, 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/EC⁶.

³ 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 (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.)) (OJ L 110, 25.4.2023, p. 1–4).

⁴ 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).

⁵ OJ L 53, 27.2.2008, p. 52.

⁶ 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*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 2011/350/EU⁸.
- (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/EC⁹; 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, and Bulgaria and Romania, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within, respectively, the meaning of Article 3(1) of the 2003 Act of Accession and Article 4(1) of the 2005 Act of Accession,

HAVE ADOPTED THIS REGULATION:

Article 1

In part 1 of Annex II to Regulation (EU) 2018/1806:

‘Serbia (excluding holders of Serbian passports issued by the Serbian Coordination Directorate (in Serbian: Koordinaciona uprava)) (7)’

is replaced by

‘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 Organisation (ICAO).

⁷ OJ L 160, 18.6.2011, p. 21.

⁸ 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).

⁹ 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 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 Brussels,

For the European Parliament
The President

For the Council
The President
