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“EU and the Western Balkans : Visa, Asylum and Immigration”

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Es gilt das gesprochene Wort

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On 9 November 2005, the Commission proposed that the former Yugoslav Republic of Macedonia be granted candidate country status ; since 3 October 2005, the EU has been negotiating with Croatia on the accession treaty; on 7 November 2005, the first official round of negotiations on a Stabilisation and Association Agreement with Serbia and Montenegro started in Belgrade; on 21 November 2005, Council provided the Commission with the mandate to negotiate a Stabilisation and Association Agreement with Bosnia and Herzegovina; and the negotiations with Albania on such an agreement will be concluded.

The Stabilisation and Association process, the Union's overarching policy framework for the Western Balkans, is once more proving its worth. The Stabilisation and Association process is delivering on the European perspective of the Western Balkan region.

Also on 9 November 2005, the Commission presented its latest reports on the progress the countries in the region have made. These reports clearly point to the deficiencies which still have to be mastered. But at the same time the renewed European Partnerships, presented the same day, clearly indicated the best way ahead and the priorities to be followed for both the WB countries as well as the EU.

Today's conference takes place at a crucial moment as regards relations between the EU and the Western Balkan countries. I just mentioned the important recent developments. I could also refer to the developments on the future status of Kosovo. I am therefore grateful to the European Policy Centre and the King Baudouin Foundation for organising this conference. Both institutions often provide us with a framework for rewarding and forward-looking discussions. The Western Balkans are among the priority topics of these discussions and I applaud this focus. I am delighted that you have asked me to deliver this afternoon's keynote address. And I will focus on the issues of visa, asylum and immigration.

These topics are a two-sided coin. On one hand the visa policy can be an extremely powerful instrument encouraging the WB countries and especially their people to work and support all necessary and sometimes painful reforms on their way to the EU. On the other hand, the increasing fear of the EU citizens for illegal immigration, in particular in the recent context of Paris riots, and their demand for greater security is putting a question of visa, border and migration control on the top of our political agenda.

How than to ensure our prompt response to the requests of our citizens, to protect them and at the same time answer to the hopes of the citizens of the WB countries? This is the question I am posing myself.

Visa

The visa issue has been addressed in many conferences and discussions. The countries in the region are lobbying hard.

Let me start with a few facts: the visa regime with Croatia is already liberalised. Concerning the other Western Balkan countries whose citizens are subject to the visa requirement, I'm fully aware of the importance that these countries attach to the prospect of liberalisation of the visa regime. Every Prime Minister or minister from any WB country, I have met during these last weeks, stressed this issue to me.

I could not wish it more! From my side I can say that the visa liberalisation is mine and the EU's goal as well. And we should constantly keep it in mind. It is, however, a long-term goal. The visa liberalisation is closely linked to much needed reforms in the area of justice and home affairs in each country. We have to make a case-by-case assessment (according to the criteria set out in Council Regulation 539/2001) taking into account illegal immigration, public policy and security, security of documents, protection of personal data, the EU's external relations with the third country, and the implications for regional coherence and reciprocity.

I will of course continue to support all the efforts and initiatives of Western Balkans governments to strengthen the rule of law, combat organised crime, corruption and illegal migration and to improve border management and document security. I will particularly support all concrete implementation measures and I made this clear to the Justice and Interior ministers of all the WB countries last week in Vienna when we met at the occasion of the Ministerial Forum on organised crime.

I also had to be very frank in saying that the situation is not likely to change even after the application of a Western Balkan country for EU membership. Like with Bulgaria and Romania, the visa liberalisation occurred only at a later step in the accession process and not at the beginning of the negotiations. At this stage, we consider that the lifting of the visa obligation for citizens of Western Balkan countries is not yet an option.

Moreover, as a Commissioner responsible for security, justice and freedom of the European citizens I cannot do compromises regarding their protection. And you will agree with me that now-a-days' security threats like terrorism and organised crime require us to be alert and create functioning legal and practical instruments.

To close the parenthesis on my responsibilities vis-à-vis the EU member states and their citizens I wish to mention that I am also working on the question of legal, economic immigration to the EU. I am not only trying to strengthen the security, I am also studying ways on how to create opportunities for students, professors, researchers, businessmen and other categories of population to come and work in the EU. This is, in fact a subject I consider of an importance to be mentioned today as it is closely linked to the issue of facilitating the access of third country nationals to the EU under clearly defined, transparent but swift conditions.

So, to return to the concrete issue of visas, we said liberalisation is not a way at this point, but we have another instrument. We should now focus on the possibility of facilitating the issuing procedure of short term visas. Visa facilitation agreements represent totally new instruments.

The EU developed and used this instrument for the very first time in its relations with Russia. It served the clear purpose of helping to secure a readmission agreement with Russia. The recently adopted negotiating directives for such an agreement with Ukraine follow exactly the same pattern and the first round of negotiations last week can be judged as very positive.

What exactly is the visa facilitation. It means that the obligation to obtain a visa remains, as the lifting of the visa obligation is a separate and distinct issue.

The European Council, in its Hague Programme, describes visa facilitation as follows:

"The European Council invites the Council and the Commission to examine, with a view to developing a common approach, whether, in the context of the EC readmission policy, it would be opportune to facilitate, on a case by case basis, the issuance of short-stay visas to third country nationals, where possible and on the basis of reciprocity, as part of a real partnership in external relations, including migration-related issues".

Our task is therefore to identify key elements and factors to be taken into account before deciding whether to open negotiations with third countries. For example, readmission agreements, external relations objectives, implementation of bilateral agreements and commitments in JLS related issues as well as general security concerns.

A visa facilitation agreement should in principle be coupled with a readmission agreement. However, the existence of a readmission agreement, or the willingness of a third-country to negotiate one, does not automatically lead to the opening of negotiations on a visa facilitation agreement.

Taking into consideration the EU commitments to the countries in the Western Balkans and in line with the results of the ongoing discussions, I intend to propose that the College brings forward initiatives, including negotiating mandates for visa facilitation agreements, aimed at improving the issuing of short term Schengen visas for the citizens of Western Balkan countries during 2006. Priority has to be given to facilitating the mobility of certain categories of persons, such as public officials, researchers, students and businessmen.

Asylum and Immigration

When addressing asylum and immigration issues we have to differentiate between several factors as regards the Western Balkans. Firstly, the EU Member States saw a large influx of refugees and asylum seekers from the Western Balkan countries due to the civil war in the former Yugoslavia. This led to the need to develop a return policy after the end of hostilities. Linked to these developments are the problems related to Internally Displaced Persons within the region.

Secondly there is the current migration, including transit migration, from and through the Western Balkans to the EU.

Thirdly, there is the specific problem of organised crime, namely trafficking in human beings from and through the region into the EU.

Therefore, there is ultimately the need for the countries in the region to further develop their institutional capacities with a view to manage migration, to develop a system to protect asylum seekers and, of course, to fight trafficking in human beings.

All countries have certainly made advances on facilitating the return of refugees and Internally Displaced Persons but there is still work to be done. The influx of asylum seekers from the region has decreased but applicants originating from Serbia and Montenegro including Kosovo remain an important caseload for our Member States. Serbia and Montenegro is in second place on the list of main countries of origin of asylum seekers in the EU with 49 299 applications from 2003 including the first semester of 2005.

I would further like to concentrate on the two last factors I mentioned and those are fighting trafficking in human beings and the necessary upgrading of institutional capacities in the region itself. Success in this last challenge is particularly vital to prepare the countries in the region for EU membership.

Trafficking in human beings

Trafficking remains a serious problem in the region with tragic consequences for the human rights of its victims. I am particularly concerned with the trafficking of women and children. Rough estimations of IOM, as it is hard to have reliable statistics, are that almost 500 000 women are trafficked per year through the WB region.

I presented a Communication last month which lists and describes a series of measures as a basis for a European action plan on trafficking in human beings.

Tackling the growing problem of trafficking requires an international and multidisciplinary approach involving all relevant stakeholders, NGOs and social authorities, law enforcement and migration authorities.

Prevention of trafficking in human beings, protection of victims and efficient prosecution as well as punishment of traffickers are the three major cornerstones of my counter trafficking policy.

Fighting the evil of trafficking in human beings is a challenge common to both the EU and Western Balkans. Many different efforts have been proposed but still need to be undertaken. Concrete implementation of agreed measures is what we need now. As mentioned previously, I met all the Justice and Interior ministers of the WB countries last week and I had the opportunity to hear about the very concrete steps some of those countries have taken to fight trafficking. I am confident they will continue to do so.

Strengthening institutional capacities

The EU acquis in the area of asylum and migration is constantly evolving. It is one of the fastest growing chapters of the EU legislation. No wonder, in the recent public opinion polls, that security and justice were the issues the EU citizens demand us to deliver results upon. Countries in the region will have to comply with all this developing acquis on their way towards EU-membership. I am aware this is not an easy task; even some MSs have difficulties to keep up the pace.

On their way towards EU-membership the countries in the Western Balkans will have to embrace and implement all of these policies and legislative acts. The EU supports the countries in the region in this ongoing process of legal, institutional and administrative reform in the fields like visa, asylum and migration policies. The ongoing regional project financed under the CARDS assistance programme is a good example of this support.

Time is short. Today I have provided you with an overview of some of the most important issues which will determine future debates and future action in the areas of visa, asylum and migration, in particular in relation towards the WB countries. I am now looking forward to your questions and a fruitful discussion.

