

VISA LIBERALISATION WITH KOSOVO*

ROADMAP

I. INTRODUCTION - GENERAL FRAMEWORK

- A. The European Union made a political commitment to liberalise the short-term visa regime for the Western Balkans, as part of its Thessaloniki agenda announced on 16 June 2003.¹ On 10 December 2007, the Council reaffirmed its commitment to the Thessaloniki agenda and invited the Commission to further explore possibilities to promote people-to-people contacts with the Western Balkans.² On 28 January 2008, the Council welcomed the Commission's intention to launch a visa dialogue with all the countries of the region and expressed its readiness to further discuss this issue, with a view to defining detailed roadmaps setting clear benchmarks to be met by all the countries of the region in order to gradually advance towards visa liberalisation.³ On 7-8 December 2009, the Council underlined that Kosovo should also benefit from the perspective of eventual visa liberalisation once all conditions are met and invited the Commission to move forward with a structured approach to bringing the people of Kosovo closer to the EU.⁴

On 14 December 2010, the Council reaffirmed that Kosovo would benefit from the perspective of eventual visa liberalisation once all conditions are met; took note of Kosovo's progress in the fields of readmission and reintegration; and took note of the Commission's intention to launch a visa liberalisation dialogue once all conditions are met and the Commission's intention, before launching such a dialogue, to share its assessment with the Council of the fulfilment of such conditions.⁵

* This designation is without prejudice to positions on status, and is in line with UNSCR 1244/99 and the ICJ Opinion on the Kosovo declaration of independence.

¹ Council conclusions of 16/06/2003

² Council conclusions of 10/12/2007

³ Council conclusions of 28/01/2008

⁴ Council conclusions of 7-8/12/2009

⁵ Council conclusions of 14/12/2010

On 5 December 2011, the Council reaffirmed that Kosovo would benefit from the perspective of eventual visa liberalisation once all conditions are met and without prejudice to Member States' position on status.⁶ Considering Kosovo's progress on readmission and reintegration, the Council welcomed the Commission's intention to carry out the following:

1. To launch a visa dialogue with Kosovo, without prejudice to Member States' position on status, if all conditions are effectively fulfilled;
2. To fully associate the Council and Member States to each step of the dialogue;
3. To present regular reports on Kosovo's progress in adopting and implementing the appropriate reforms, including on the basis of Member State experts' reports on the ground.

Finally, the Justice and Home Affairs Council discussed on 13 December 2011 the state of Kosovo's progress in readmission and reintegration.⁷

- B. The Commission has always insisted on sufficient progress in readmission and reintegration as necessary elements to be put in place before launching a visa liberalisation dialogue with Kosovo. With the reforms implemented in 2011, Kosovo made satisfactory progress in establishing a functional policy framework for the reintegration of returnees in Kosovo, as it had already done in the case of readmission.

The Commission will continue to monitor and assess, in its regular reports, Kosovo's progress in enhancing its readmission framework and the effective reintegration of returnees.

Against this background, and taking into account the Council's requirements expressed in various Council conclusions, as well as the result of numerous expert missions and meetings conducted in recent years to verify the fulfilment of requirements relating to the readmission and reintegration of returnees, the Commission launched the visa dialogue with Kosovo on 19 January 2012.

- C. In the framework of the visa dialogue, Kosovo is requested first to adopt or amend in line with the EU *acquis* the legislation set out in this roadmap. Kosovo is then requested to fully implement this legislation and all other measures specified in this document.

⁶ Council conclusions of 5/12/2011

⁷ Council conclusions of 13-14/12/2011

Reinforced consultation

The Commission will fully associate the Council and the Member States to each step of the dialogue through reinforced consultation. This will include the following:

1. The full involvement of the Council and Member States in developing and, if necessary, amending this roadmap;
2. The full participation of Member State experts in assessing Kosovo's progress in fulfilling the requirements set out in this roadmap;
3. Utilising the expertise of EUROPOL, EUROJUST, FRONTEX, EASO, as well as EULEX, in assessing Kosovo's progress in meeting these requirements.

Monitoring and reporting

The Commission will present to the Council and Member States, as well as the European Parliament, regular reports detailing its assessment of Kosovo's fulfilment of the requirements set out in this roadmap. These reports will address requirements related to readmission and reintegration (Section I) and the different blocks of the visa dialogue (Section II).

These reports will draw upon the following sources: information provided by Kosovo; assessment missions undertaken by the Commission and Member State experts to assess Kosovo's progress in the different blocks of the visa dialogue; and data provided by EUROPOL, EUROJUST, FRONTEX, EASO, as well as EULEX.

The Commission's regular reports will evaluate the following:

1. Kosovo's record in adopting or amending in line with the EU *acquis* the legislation set out in this roadmap;
2. Kosovo's record in implementing the legislation and all other measures set out in this roadmap; and
3. The expected migratory and security impacts of the liberalisation of the visa regime with Kosovo.⁸

⁸ The Commission will continue to monitor and report to the Council and Member States, as well as the European Parliament, on Kosovo's progress in adopting and implementing the measures and fulfilling the

On the basis of these regular reports and the Commission Staff Working Papers on post-visa liberalisation monitoring for the Western Balkan countries, the Justice and Home Affairs Council would consider holding a discussion, at the end of each semester, on the progress of this dialogue. The Commission will take into utmost consideration the political conclusions of discussions in the Council.

The discussion in the Council would address the following:

1. Kosovo's record in adopting or amending in line with the EU *acquis* the legislation set out in this roadmap;
2. Kosovo's record in implementing this legislation; and
3. The expected migratory and security impacts of the liberalisation of the visa regime with Kosovo.

The Commission will also inform the European Parliament, at least once a year, of the progress of the visa dialogue.

Position on status

The visa dialogue will be conducted without prejudice to Member States' position on status. Kosovo should endeavour to fulfil the requirements set out in this roadmap in relation to all Member States. Where necessary and/or applicable, Kosovo should use the appropriate channels.

- D. The following elements ought to be taken into account when establishing a methodology for the visa liberalisation process with Kosovo:
- The European perspective of the Western Balkans, shared by Kosovo;
 - The political commitment made by the European Union, as part of the Thessaloniki agenda, to liberalise the short-term visa regime for the Western Balkans, which has been confirmed at political level by a series of Council conclusions since 2003;
 - The Council's reaffirmation that Kosovo would also benefit from the perspective of eventual visa liberalisation once all conditions are met and without prejudice to Member States' position on status;
 - EU citizens' ability to travel to Kosovo without visas.

requirements set out in this roadmap, taking into account, *inter alia*, a set of performance indicators specified in the Final Remarks.

- E. Bearing in mind the wide range of issues relevant for visa liberalisation and the need to establish an adequately secured context for visa-free travel, this roadmap seeks to identify the legislation and all other measures that Kosovo needs to adopt and implement and the requirements it needs to fulfil in the short term to advance towards visa liberalisation. The visa liberalisation dialogue will address four sets of issues: document security; border/boundary and migration management; public order and security; and fundamental rights related to the freedom of movement. This dialogue will be tailor-made to allow Kosovo to focus its reform efforts and fulfil the EU's requirements. The pace of movement towards visa liberalisation will depend on Kosovo's progress in adopting and implementing the measures and fulfilling the requirements set out in this roadmap.

The visa liberalisation dialogue, as part of the EU's overall policy towards the Western Balkans, will take place within the framework of the Stabilisation and Association Process Dialogue. It will be conducted by Senior Officials who may decide to organise technical meetings at expert level for specific items. Progress on the issues covered by the visa liberalisation dialogue will be reported within the framework of the Stabilisation and Association Process Dialogue.

The European Union Rule of Law Mission in Kosovo (EULEX KOSOVO), in line with its mandate,⁹ will play an important role in monitoring, mentoring and advising Kosovo institutions on adopting and implementing the reforms and fulfilling the requirements set out in this roadmap. Effective cooperation by Kosovo authorities with EULEX, including in discharging its executive mandate, will be essential.

- F. Once all the requirements set out in this roadmap will have been met, the Commission will present a proposal to the European Parliament and the Council to lift the visa obligation for Kosovo citizens via an amendment of Council Regulation (EC) 539/2001. Without prejudice to Member States' positions on status at the time of its proposal, the Commission would consider proposing to transfer Kosovo from Part 2 of Annex I to the appropriate part of Annex II of this Regulation. This proposal will cover only the holders of biometric travel documents. Pursuant to Article 77(2)(a) of the Treaty on the Functioning of the European Union, the European Parliament and the Council shall decide in accordance with the ordinary legislative procedure.

⁹ Council Joint Action 2008/124/CFSP as amended by Council Joint Action 2009/445/CFSP and Council Joint Action 2010/322/CFSP

ROADMAP TOWARDS A VISA-FREE REGIME WITH KOSOVO

I. Requirements related to Readmission and Reintegration

Readmission

Kosovo should fulfil the following requirements:

- Continue implementing the domestic legislation on readmission;
- Continue implementing the existing readmission agreements and, where appropriate, conclude new readmission agreements;
- Ensure rapid and effective procedures for the identification and return of Kosovo citizens, third-country nationals and stateless persons who do not, or no longer, fulfil the conditions for entry to, presence in, or residence on the territories of one of the Member States and facilitate the transit of persons in a spirit of co-operation;
- Ensure that readmission procedures, conducted through the appropriate channels, function in relation to all Member States;
- Strengthen the capacity of the competent authority to process readmission applications and reduce the number of pending readmission requests;
- Ensure that applications for readmission are processed in compliance with domestic data protection requirements;
- Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on readmission.

Reintegration

Kosovo should fulfil the following requirements:

- Adopt and implement measures defining the roles and responsibilities of the competent authorities in charge of reintegration, the application and decision-making procedure and beneficiaries' rights and obligations under the reintegration programme;
- Implement the reintegration strategy and action plan, with a particular emphasis on reporting and monitoring; the disbursement and decentralisation of the Reintegration Fund; and enhancing the access of returnees, notably those from the Roma, Ashkali and Egyptian minorities, to employment, vocational training and education;
- Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on the reintegration of returnees.

II. Requirements related to Document Security; Border/Boundary and Migration Management; Public Order and Security; and Fundamental Rights related to the Freedom of Movement

BLOCK 1: Document Security

Personal travel documents, ID cards and breeder documents

Kosovo should fulfil the following requirements:

- Issue machine-readable biometric personal travel documents in compliance with International Civil Aviation Organisation (ICAO) standards and EU standards for security features and biometrics in travel documents¹⁰ and endeavour to explore possible avenues of cooperation, through the appropriate channels, with the ICAO Public Key Directory;
- Adopt and implement measures ensuring the integrity and security of the civil status and civil registration process, including the integration and linking of the relevant databases and the verification of scanned data against the civil status database, paying particular attention to the amendment of individuals' basic personal data;
- Adopt and implement measures ensuring the integrity and security of the document application, issuing and distribution process, particularly as concerns personal travel documents and ID cards, including biometric ID cards;
- Adopt and implement measures ensuring the integrity and security of breeder documents, notably civil status certificates, and ID cards, including biometric ID cards; define and implement strict procedures for their issuance;
- Provide samples and specimens of all valid personal travel documents to the competent Member State authorities and EULEX, communicating any changes introduced to such documents;
- Report to the Interpol LASP database, through the appropriate channel, on stolen or lost personal travel documents;
- Strengthen the capacity of the civil registration agency to carry out its tasks;
- Conduct training programmes on anti-corruption and establish an ethical code for officials involved in the civil registration, document application and distribution process;
- Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on the number of personal travel documents and ID cards, including biometric ID cards, issued.

¹⁰ Regulation on standards for security features and biometrics in passports and travel documents issued by Member States (Regulation 2252/2004 as amended by Regulation 444/2009)

BLOCK 2: Border/Boundary and Migration Management

Border/boundary management

In cooperation with EULEX and KFOR, Kosovo should fulfil the following requirements:

- Align with the EU *acquis*¹¹ and implement legislation on integrated border/boundary management (IBM), including new legal provisions on inter-agency cooperation between the competent authorities involved in IBM;
- Implement the existing bilateral border/boundary management agreements and, where appropriate, conclude new border/boundary management agreements;
- Implement in a co-ordinated manner with the other party the Technical Protocol for implementation of the IBM Agreed Conclusions of the Dialogue of 2 December 2011;
- Endeavour to complete, in a co-ordinated manner with the other party, the delineation of the border/boundary with Montenegro;
- Adopt and implement a new IBM strategy and action plan;¹²
- Improve border/boundary control (checks and surveillance) at and between all border/boundary crossing points, notably through enhanced risk analysis and criminal intelligence, to ensure a check on persons, vehicles and goods crossing the border/boundary and effective surveillance between all border/boundary crossing points;
- Where appropriate, establish joint border/boundary crossing points for co-ordinated checks and surveillance on persons, vehicles and goods crossing the border/boundary, including through stationary and mobile units and co-ordinated monitoring and patrol operations;
- Enhance the prevention, detection and investigation of serious cross-border/boundary crime, notably trafficking in human beings, facilitated irregular migration, trafficking in drugs and precursors, trafficking in weapons and crimes committed by mobile itinerant criminal gangs, by exchanging with the competent law enforcement authorities of Member States and third countries, in line with domestic data protection requirements and through the appropriate channel, the necessary strategic and operational information and criminal intelligence;
- Strengthen the capacity of the domestic co-ordination centre to coordinate operational cooperation between all domestic authorities involved in IBM, including border surveillance;

¹¹ Notably the Schengen Borders Code (Regulation 562/2006), the Frontex Regulation (Regulation 2007/2004 as amended by Regulation 1168/2011), the Local Border Traffic Regulation (Regulation 1931/2006), the VIS Regulation (Regulation 767/2008) and the Community Code on Visas (Regulation 810/2009).

¹² This should be in line with the EU IBM concept, as defined in the Council conclusions of 4-5 December 2006 and further described in the Schengen Catalogue on External Borders Control, Return and Readmission.

- On the basis of new legal provisions, enhance inter-agency cooperation between all competent authorities involved in IBM and strengthen their capacity to discharge their duties in an effective and impartial manner;
- In line with domestic data protection requirements, improve the access of all competent authorities involved in IBM to the existing border/boundary management system and data processed by the domestic co-ordination centre;
- Conduct training programmes on anti-corruption and the fight against organised crime and establish an ethical code for officials involved in IBM;
- Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on border/boundary control measures, including the number of co-ordinated monitoring and patrol operations;
- Explore modalities of cooperation with FRONTEX.

Carriers' responsibility

Kosovo should fulfil the following requirements:

- Adopt and implement measures defining the liability of carriers, including financial penalties, to return third-country nationals who do not meet the conditions of entry to Kosovo.

Migration management

Kosovo should fulfil the following requirements:

- Adopt and implement legislation on legal migration in accordance with the EU *acquis*;¹³
- Adopt and implement legislation on irregular migration in accordance with the EU *acquis*;¹⁴
- Implement a migration strategy and action plan; revise these documents, if necessary, to ensure effective action; and set clear indicators to measure performance in this field;
- Develop a migration database and provide access thereto to all authorities involved in migration management, in accordance with domestic data protection requirements;
- Establish and apply a mechanism for monitoring migration flows; define a regularly-updated migration profile for Kosovo, with data on legal and irregular migration; and establish a public authority responsible for the collection and analysis of data on migration stocks and flows;

¹³ Notably the Single Permit Directive (Directive 2011/98/EU), the Directive on the conditions of admission of third-country nationals for studies and training (Directive 2004/114/EC), the Directive on admitting third-country nationals for research (Directive 2005/71/EC), the Directive on the right to family reunification (Directive 2003/86/EC), the Directive on long-term residents (Directive 2003/109/EC) and the Blue Card Directive (Directive 2009/50/EC).

¹⁴ Notably the Return Directive (Directive 2008/115/EC), the Directive on assistance in case of removal by air (Directive 2003/110/EC) and the Directive providing for minimum standards for sanctions against employers of illegally staying third-country nationals (Directive 2009/52/EC).

- Define and apply a methodology for inland detections and improve the competent authorities' capacity to prevent, detect and investigate trafficking in human beings and the facilitation of irregular migration;
- Establish an appropriate procedure for the effective expulsion and removal from Kosovo of illegally residing third-country nationals;
- Conduct training programmes on anti-corruption and establish an ethical code for officials involved in migration policy;
- Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on legal and irregular migration flows and stocks;
- Explore avenues of cooperation with regional initiatives on migration, asylum and refugees.

Asylum

Kosovo should fulfil the following requirements:

- Align with the EU *acquis*¹⁵ and implement legislation on asylum;
- Strengthen the capacity of the competent authorities to discharge their duties, particularly as concerns reception conditions and asylum procedures;
- Improve the existing material reception conditions, documentation and other public services available for asylum-seekers, including persons with special needs;
- Ensure the independence and enhance the capacity of the supervisory authority in charge of asylum;
- Conduct training programmes on anti-corruption and establish an ethical code for officials involved in asylum policy;
- Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on asylum;
- Explore modalities of cooperation with EASO.

BLOCK 3: Public order and security

Preventing and combating organised crime, corruption and terrorism

Kosovo should fulfil the following requirements:

- Adopt and implement legislation on the prevention, investigation, prosecution and adjudication of organised crime and corruption, including money-laundering, economic

¹⁵ Notably the Directive on reception conditions for asylum-seekers (Directive 2003/9/EC), the Qualification Directive (Directive 2004/83/EC and Recast Directive 2011/95/EU) and the Asylum Procedures Directive (Directive 2005/85/EC).

and financial crime, asset confiscation and recovery, as well as terrorist financing, in accordance with the EU *acquis*,¹⁶ ensuring that amendments to this legislation are reflected in the criminal code;

- Adopt and implement legislation on the prevention, investigation and prosecution of trafficking in human beings, including the sexual exploitation of children, in accordance with the EU *acquis*;¹⁷ ensure proactive investigations and prosecutions of trafficking in human beings, including dissuasive sentences for individuals found guilty of this serious crime; enhance the effectiveness of victim identification;
- Adopt and implement legislation on the prevention, investigation and prosecution of trafficking in drugs and precursors, in line with the EU *acquis*;¹⁸ ensure proactive investigations and prosecutions of this serious crime;
- Implement strategies and action plans in the fight against organised crime, corruption, trafficking in human beings, trafficking in drugs and precursors, counter-terrorism, crime prevention and trafficking in weapons; revise these documents, if necessary, to ensure effective action; and set clear indicators to measure performance in these fields;
- Conduct proactive investigations of inexplicable wealth; establish a sound anti-money laundering system; and develop and implement a solid system of asset confiscation and management;
- Strengthen the capacity of the police and the unit responsible for financial intelligence to conduct in an effective and impartial manner complex investigations of organised crime and corruption, including money-laundering and economic and financial crime;
- Strengthen the capacity of the police to detect and investigate, prosecutors to prosecute and judges to adjudicate, in an impartial and effective manner, complex cases of organised crime, corruption, economic and financial crime and terrorism; establish a track record of investigations and final court rulings in cases concerning organised crime and corruption, including drug trafficking, trafficking in human beings and money laundering;

¹⁶ Notably the Framework Decision on the fight against organised crime (Framework Decision 2008/841/JHA), the Third Anti-Money Laundering Directive (Directives 2005/60/EC and 2006/70/EC), the Framework and Council Decisions on the freezing and confiscation of proceeds of crime (Framework Decisions 2001/500/JHA, 2003/577/JHA, 2005/212/JHA, 2006/783/JHA and Council Decision 2007/845/JHA), the Council Decision on FIU cooperation (Decision 2000/642/JHA), the Framework Decision on combating fraud and counterfeiting of non-cash means of payment (Framework Decision 2001/413/JHA), the Framework Decisions providing criminal sanctions against euro counterfeiting (Framework Decision 2000/383/JHA as amended by Framework Decision 2001/888/JHA) and the Council Decision on the protection of the euro against counterfeiting (Decision 2001/887/JHA), the Council Decision on Asset Recovery Offices (Decision 2007/845/JHA) and the Framework Decision on corruption in the private sector (Framework Decision 2003/568/JHA).

¹⁷ Notably the Directive on preventing and combating trafficking in human beings (Directive 2011/36/EU), the Brussels Declaration on preventing and combating trafficking in human beings (Council conclusions of 8 May 2003) and the Directive on combating the sexual abuse and sexual exploitation of children (Directive 2011/93/EU).

¹⁸ Notably the EU Drugs Strategy 2005-2012, the European Pact to combat international drug trafficking – disrupting cocaine and heroin routes (adopted on 3 June 2010), the European Pact against synthetic drugs (adopted on 27-28 October 2011), the Framework Decision on minimum provisions and penalties in the field of illicit drug trafficking (Framework Decision 2004/757/JHA), the Council Decision on information exchange on new psychotropic substances (Decision 2005/387/JHA) and the Regulation on rules for monitoring the trade in drug precursors (Regulation 111/2005).

- Improve coordination, cooperation and the exchange of information and criminal intelligence between law enforcement and judicial authorities, notably the police and the prosecutorial service, to improve Kosovo's track record in investigating and prosecuting cases of organised crime and corruption, economic and financial crime and terrorism;
- Implement the existing legislation on witness protection and strengthen the capacity of the police to establish and operate a witness protection programme;
- Establish a reliable criminal records database, including on the basis of mutual legal assistance in criminal matters;
- Ensure the effective and efficient enforcement of court decisions;
- Establish effective mechanisms for the prevention of corruption and for the identification and follow-up of corruption risks, including risk assessments in vulnerable sectors; ensure the transparency, integrity and accountability of public administration and elected officials, the detection and removal of conflicts of interests, the verification of public officials' wealth and the transparency of political party financing;
- Enhance the effectiveness of the anti-corruption agency;
- Conduct training programmes on anti-corruption and organised crime and establish an ethical code for public officials involved in investigating, prosecuting and adjudicating cases of organised crime and corruption;
- Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on the investigation, prosecution and adjudication of cases of organised crime, corruption and terrorism.

Law enforcement co-operation

Kosovo should fulfil the following requirements:

- Implement the existing agreements on law enforcement cooperation and, where appropriate, conclude new agreements;
- Where appropriate, deploy law enforcement liaison officers to Member States and third countries;
- Enhance the prevention, detection and investigation of serious cross-border/boundary crime, notably trafficking in human beings, facilitated irregular migration, trafficking in drugs and precursors, trafficking in weapons and crimes committed by mobile itinerant criminal gangs, by exchanging with the competent law enforcement authorities of Member States and third countries, in line with domestic data protection requirements and through the appropriate channel, the necessary strategic and operational information and criminal intelligence;
- Establish an arrangement with EULEX for the secure, reliable and efficient exchange of strategic and operational information and criminal intelligence necessary for the prevention, detection and investigation of serious crime; implement the existing arrangement with EULEX on the exchange of customs and tax data;

- Ensure that law enforcement information exchange, conducted through the appropriate channels, functions in relation to all Member States;
- Enhance operational cooperation with the law enforcement authorities of Member States and third countries, notably by conducting joint investigations and operations;
- Improve the intelligence-led investigative capacity of law enforcement authorities to investigate serious cross-border/boundary crime;
- Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on law enforcement information exchange, joint investigations and joint operations;
- Explore modalities of cooperation with EUROPOL;
- Explore avenues of cooperation with EMCDDA;
- Explore avenues of cooperation with regional initiatives on law enforcement cooperation.

Judicial co-operation in criminal matters

Kosovo should fulfil the following requirements:

- Implement the existing legislation on international legal cooperation in criminal matters;
- Implement the existing agreements on judicial co-operation in criminal matters and, where appropriate, conclude new agreements;
- Adopt and implement measures aiming to improve the effectiveness, efficiency and impartiality of judicial co-operation in criminal matters with Member States and third countries;
- Implement the technical arrangement with EULEX on mutual legal assistance;
- Ensure that judicial cooperation in criminal matters, conducted through the appropriate channels, functions in relation to all Member States;
- Compile and share in a timely manner with the competent authorities of Member States, the European Commission and EULEX detailed statistics on cases of judicial cooperation in criminal matters;
- Explore modalities of cooperation with EUROJUST.

Data protection

Kosovo should fulfil the following requirements:

- Align with the EU *acquis*¹⁹ and implement legislation on the protection of personal data;

¹⁹ Notably the Data Protection Directive (Directive 95/46/EC) and the Framework Decision on the processing of personal data processed in the framework of police and judicial cooperation in criminal matters (Framework Decision 2008/977/JHA).

- Ensure the independence and strengthen the capacity of the data protection authority;
- Conduct training programmes on anti-corruption and establish an ethical code for officials of the data protection authority.

BLOCK 4: Fundamental Rights related to the Freedom of Movement

Freedom of movement

Kosovo should fulfil the following requirements:

- Ensure that the freedom of movement of Kosovo citizens is not subject to unjustified restrictions, including measures of a discriminatory nature, based on any ground such as sex, race, colour, ethnic or social origin, genetic features, language, religion or belief, political or any other opinion, belonging to a minority, property, birth, disability, age or sexual orientation.

Conditions and procedures for issuing identity documents

Kosovo should fulfil the following requirements:

- Ensure that all Kosovo citizens, including women, children, people with disabilities, persons belonging to minorities and other vulnerable individuals, have full and effective access to personal travel and identity documents, including civil registration;
- Ensure full and effective access to personal travel and identity documents for internally displaced persons, refugees and returnees.

Human rights and respect for and protection of minorities

Kosovo should fulfil the following requirements:

- Ensure that all domestic provisions on human rights and the protection of minorities are fully respected;
- Adopt and implement legislation that provides effective protection against discrimination;
- Ensure that the relevant legislation defining the conditions and circumstances of acquiring Kosovo citizenship is adequately implemented;
- Ensure that ethnically-motivated incidents carried out in the area of free movement, including those targeting persons belonging to minorities, are fully investigated;
- Adopt and implement measures that enhance the effective integration of persons belonging to the Kosovo Serb, Roma, Ashkali, Egyptian, Bosniak, Turkish and Gorani minorities.

Final remarks

The present roadmap includes a list of reforms to be adopted and implemented by Kosovo so that the visa obligation may be lifted. These reforms are necessary to ensure the freedom of movement in a secure and predictable manner and were developed on the basis of information available at the time of drafting. Should the situation in Kosovo change substantially, the Commission, in reinforced consultation with the Council and Member States, may decide to amend this roadmap.

Kosovo will be required to undertake continuous, targeted, information campaigns aiming to clarify the rights and obligations of visa-free travel, including information on rules regulating access to the EU labour market and liability for any abuse of rights under the visa-free regime.

The Commission will continue to monitor and report to the Council and Member States, as well as the European Parliament, on Kosovo's progress in adopting and implementing the measures and fulfilling the requirements set out in this roadmap, taking into account, *inter alia*, the following performance indicators:

- The visa refusal rate for applicants from Kosovo;
- The rate of refused entry into the common Schengen area for Kosovo citizens;
- The number of Kosovo citizens found to be illegally staying in the territory of one of the Member States;
- The total number of asylum applications from Kosovo citizens; and
- The number of rejected readmission applications submitted by a Member State to Kosovo for Kosovo citizens.

A substantial decrease in these performance indicators, over the course of the visa dialogue, will be used as an indicative reference in the Commission's assessments of the expected migratory and security impacts of the liberalisation of the visa regime with Kosovo, including at the time when the Commission will present its legislative proposal to lift the visa obligation for Kosovo citizens. Kosovo should also take the necessary measures to allow an efficient implementation of the relevant EU Joint Actions on travel bans.

Once all the requirements set out in this roadmap will have been met, the Commission will present a proposal to the European Parliament and the Council to lift the visa obligation for Kosovo citizens via an amendment of Council Regulation (EC) 539/2001. Without prejudice to Member States' positions on status at the time of its proposal, the Commission would consider proposing to transfer Kosovo from Part 2 of Annex I to the appropriate part of Annex II of this Regulation. This proposal will cover only the holders of biometric travel documents that were issued in accordance with ICAO and EU standards. Pursuant to Article 77(2)(a) of the Treaty on the Functioning of the European Union, the European Parliament and the Council shall decide in accordance with the ordinary legislative procedure.