

# Visa liberalisation and economic implication for the Western Balkans

Prof. Dr. Ylber Sela

South East European University, Macedonia (FYROM)

## Abstract

When in April, 2007, western Balkan countries started the facilitation of the visa agreement that will allow them extremely simplified procedures for visa application in order to enter EU countries, many of the citizens of this region that historically has been isolated were skeptical this will really happen.

This article analyses in detail the process of visa liberalization for the western Balkan countries and argues that visa facilitation is shown to be very useful despite the fact that only one country – known as “ghettoized” – the Republic of Kosovo. This state that is recognized internationally by 75 nations, of which 22 are EU, has remained the last Balkan country whose citizens still cannot travel freely in the EU.

An important role in visa liberalization are the agreements of re-acceptance which are signed between the countries of the region and the European Commission that asks said countries to turn back all their citizens which are found illegally in the EU. Among others, this article provides an objective analysis in terms of the political implications of visa liberalization and free movement inside the European Union.

The authors argue that traveling facilitations have become useful for citizens of particular countries whose aims are for positive achievements and growth along with the EU.

**Keywords:** Visas, western Balkans, European Union, liberalization, re-acceptance.

## 1. Introduction

EU visa regime with different countries is one of the most important parts of EU politics of the third pillar: justice and home affairs. This is because the EU, through this pillar, intended to inaugurate European free and security space, the importance of which was seen especially after terrorist attacks of September 11<sup>th</sup> of year 2001.<sup>1</sup> On the other side, creation and maintaining of this European space free and safe, remained one of the most powerful instruments of EU impact over the states aspiring membership in

---

<sup>1</sup> For practical inauguration of this free and safe European space, there must be achieved a high cooperation in advance between EU member states in the field of penal law and a close coordination between them in exchange of criminal information and penal files. Check for more at: Stefan Braum - Anne Weyembergh (Eds.): “Judicial Control in EU Cooperation in Criminal Matters” (Editions de l’Université de Bruxelles, 2009). while, for defending the European citizens, check at: Henri Malosse - Bruno Vever: “Il faut sauver le citoyen européen Un “plan C” pour rendre l’Europe aux citoyens” (Brussels, 2008) “Justice, Liberty, Security New Challenges for EU External Relations”, Ed. By Bernd Martenczuk & Servaas van Thiel, Brussels, 2009.

the EU. If they would like to join the EU, they would need to demonstrate in advance, that required standards are satisfied for the free and safe space. So, Schengen visa regime, as part of Schengen Informative System (SIS)<sup>2</sup>, applied towards non-member states, was and it remained a security filter in the way of not letting to infiltrate the uncertainty inside the EU. It is understood that this visa regime was figured out by aspiring countries and primarily by its citizens as a new septum in Europe – that of Schengen, after that of Berlin that separated Europe during the Cold War.

States have different visa regimes in relation to the European Union. It has a different visa regime which means a straitlaced procedure for applying and taking visas in Schengen zone. With aspiring countries to the EU, there are two visa models: facilitating model of visa regime and liberalization model toward the citizens of these states. But, even with the end of this process, hereupon even when a state achieves to pass from the “black list” to the “white list of Schengen”, even with accession to the EU, does not mean that automatically the state is in the Schengen zone of EU. Becoming part of Schengen zone could take some years before EU membership. Since the phase of negotiations with the EU, the negotiating state should already have the national legislative plan of Schengen which have to be compatible with “*Schengen Acquis*”, within which it is the so-called SIS, (or Schengen Informative System)<sup>3</sup>. Moreover, to extend the Schengen philosophy in a free and secure European zone, Swedish presidency of EU in the second half of 2009, launched “*Stockholm Programme*”<sup>4</sup>, or European Union program for consolidation of free, safe and justice sphere, or as it is said for an “Open and safe Europe that would serve to the citizen”.<sup>5</sup>

<sup>2</sup> Ministers of Internal Affairs of EU member states in their meeting in Luxembourg, in June 4<sup>th</sup>, 2009, didn't reach agreement regarding launching of the second generation of Schengen informative system, or SIS II, which means a whole joint of data for biometric elements of identification, or something that would be called a common Schengen visa in EU level instead of existing system which is in member state's level. Created in 1990, SIS was a system of common indexing of 25 states belonging the Schengenzone, with the goal of centralizing and facilitating of exchange of data between police authorities of these states. This system contains 28 million shared information, where around 1.2 million people which faced with the court are registered in it. SIS II was expected to be launched in the end of 2011. Check for more at: “EU/JHA Council: EU Thinks Again About Stopping SIS II Development”, (Bulletin Quotidien Europe, No. 9914, 05.06.2009, p.6). The commissioner for regional politics, Danita Hubner, in June 10<sup>th</sup>, 2009, published the action plan for this new regional politics of EU. Check at: “EU/Regional Policy On Wednesday, Commission to Launch European Union Strategy for Baltic Sea Region”, (Bulletin Quotidien Europe, No.9916, 09.06.2009, p.8).

<sup>3</sup> Check for more: Stephen Kabera Karanja: “Transparency and Proportionality in the Schengen Information System and Border Control Co-operation” (Leiden, 2008) Carlos Coelho: “Schengen Acquis and EU Member States” (Parliamentary Seminar: “Visa and Border Management”, European parliament, Brussels, 31 March- 1<sup>st</sup> April 2009).

<sup>4</sup> On June 9<sup>th</sup>, 2009, the European Commission approved the communication for Stockholm Programme, while ministers of justice and internal affairs of EU member states would review it in July, 2009, in Stockholm Action Plan Project for transmigration, justice and security, which determined tougher control in 1636 border points. It was expected that this program would be discussed in European Parliament, while in December 10-11<sup>th</sup>, to be approved in the European Council. Check for more at: “EU/JHA, Commission Presents “Ambitious” Stockholm Programme for Consolidating Freedom, Security and Justice Area”, (Bulletin Quotidien Europe, No.9918, 11.06.2009, p.6). Otherwise, this program of creating of more secured European space was displayed as one of the highest priorities of Swedish presidency, in working lunch that the Swedish Prime Minister, Frederik Reinfeldt, laid for the EU officials and for diplomatic chorus in Brussels in June 9<sup>th</sup>, 2009. This project of Swedish presidency, had passed further in the Council and COREPER level; in October 16<sup>th</sup>, 2009, was approved to proceed further in the level of the Council of EU. Check for more at: Council of the European Union: “The Stockholm Programme- An Open and Secure Europe Serving the Citizen”, Draft of 16 October 2009, 14449/09, JAI 679.

<sup>5</sup> Council of the European Union: “The Stockholm Programme- An Open and Secure Europe Serving the Citizen”, Draft of 16 October 2009, 14449/09, JAI 679, p.1.

This visa regime of EU, in it contains a general different norms for diverse category of states. With the goal of normative simplification and codification of all juristic norms that regulate this field, from 2006, the European Commission had started composition of a summary code of the whole juridical corpus that amends the field of EU visas, while in the beginning of 2009, the European Parliament had supported the final draft of “the Code for Visas”,<sup>6</sup> which contained the digest in one place of the Schengen *acquis*.<sup>7</sup>

## 2. How the aspiring countries for membership in the EU approaches to the EU visa policy?

Since the beginning of the long process of pre-accession with the EU, the aspiring member states of the EU. Citizens of Western Balkan countries, as known, they were put in “**black list**”, or in negative list of EU (after 2001).<sup>8</sup>

Only after 2003, with the so-called “Thessaloniki Agenda”, was reported the change of this visa regime, promising to them the opportunity of moving to the “white list” or positive one. However, it had to pass five years from the promises of European perspectives of Thessaloniki, that the process of the beginning of visa liberalization to be real. This process had to pass in two phases: from visa facilitation to visa liberalization regime.

### 2.1 Visa facilitation

Visa regime is part of the frame of Stabilisation-Association Agreement with the EU. Visa facilitation regime is constituted by two agreements: re-admission agreement and visa liberalization agreement. So, this visa facilitation is inaugurated after the end of negotiations for re-admission agreement<sup>9</sup> and that of visa liberalization after a time period of at least one year negotiations between pretending country and the EC.

---

<sup>6</sup> Commission of the European Communities: “Draft Proposal for a Regulation of the European Parliament and of the Council Establishing a Community Code on Visas” (Brussels, 19.07.2006, COM(2006)403 Final, 2006/0142(COD), SEC(2006)957 SEC(2006)958). In April 2<sup>nd</sup>, 2009, the European Parliament, after first reading, with 569 votes for, 50 against and 32 abstaining, had given the consent for this code before sending it to the Council of the EU. With this code, it was unified the short term visa regime for entering to the Schengen zone within three month, with a fixed visa fee of 60 Euro, while for kids from 6-12 years old, for a fee of 35 Euro, with the possibility of the discretionary right of the consulship they could be allowed for free. Kids under 6 year of age, pupils and students who took part in sport activities, cultural and educational one, or of NGO-s till 25 year of age, also were charged free for entering visa in Schengen zone. Check for more at: “EP/JHA: EP Gives Go-Ahead to Clearer Visa Policy” (Bulletin Quotidien Europe, No. 9875, 3 April, 2009, p. 9).

<sup>7</sup> Final draft of this code for visas contained the normative part systemized in five titles and 49 articles, and in 14 annexes.

<sup>8</sup> Regulation 539/2001

<sup>9</sup> For European politics of re-admission check at: Nils Coleman: “European Readmission Policy Third century Interests and Refugee Rights”, Editions Nijhoff, Leiden, 2009).

## 2.2 Visa liberalization

After entering in the force of visa facilitation, it can proceed to the next phase, respectively in visa liberalization.

How this diphasic system of EU visa regime functions toward aspiring countries of the Western Balkans (WB) can be seen from the short summary of their road started from 2006 and concluded in 2009, respectively 2010. In the first phase 2006-2008, aspiring countries of WB had started and ended the dialog for visa facilitation, while from the beginning of 2008 till first half of 2009, five states of WB: Macedonia, Montenegro, Serbia, Albania, and Bosnia and Hercegovina, had finished second phase of the dialogue with the European Commission, respectively the phase of technical evaluation of their readiness for visa liberalisation. After technical evaluation, it was jumped to the political decision. In this direction, the Council had confirmed "EU support for this process for the countries that satisfies all determined benchmarks reporting the opportunity of the change of Regulation 539/2001, ideally till the end of 2009".<sup>10</sup> European Commission in July 14<sup>th</sup>, 2009, had recommended the free visa regime – no visas, for three countries: Macedonia, Serbia and Montenegro, taking them out of the ghetto, while citizens of Albania, Bosnia and Hercegovina, and Kosove remained still in waiting position. After too many critics, (of academic background, and then, from EU institutions) for such approach of the EC: preferential for some states and discriminatory for some others, it toned down in the end of 2009. Initially, European Parliament, in September, 2009, in the visa record of reporter Tanja Fajon<sup>11</sup>, had required that Albania and Bosnia and Hercegovina to be included with other three countries and to open the dialogue for visa liberalization with Kosova. Moreover, the EC, in its enlargement annual strategy<sup>12</sup> eased this recommendation by letting the possibility of visa liberalization for Albania and Bosnia and Hercegovina from the second half of 2010. In the end of 2009, after the European Parliament's initiative<sup>13</sup> and EC recommendations, it was open the possibility of enlarging the amendment of Regulation also for Albania and Bosnia and Hercegovina, but for Kosova, it was proposed the opening of "structural dialogue"<sup>14</sup> for visa liberalization. Only in May, 2010, the EC would recommend visa liberalization with Albania and Bosnia and Hercegovina, but not for Kosova too.

---

<sup>10</sup> Council of the European Union: Council Conclusions on the Western Balkans, 2951<sup>st</sup> External Relations Council Meeting, Luxembourg, 15 June 2009, p.1.

<sup>11</sup> European Parliament: "Draft Report on the Proposal for a Council regulation amending Regulation (EC) no.539/2001, (COM(2009)0366-C7-0112/2009-2009/0104(CNS), Brussels, 18.09.2009. initially, this report was approved by the LIBE Committee of EP, then in AFET Committee and finally in the plenary session of EP of November 12<sup>th</sup>, 2009, with the request that for the first three states to be abrogated the Schengen visa regime from December 19<sup>th</sup>, 2009, but for Albania and Bosnia and Hercegovina, from the half of 2010; to open the dialogue for visa liberalisation for Kosova.

<sup>12</sup> EC: Enlargement Strategy and main Challenges 2009-2010, (COM)2009, 533, Brussels, 14.10.2009.

<sup>13</sup> The initiative of the reporter of LIBE Committee, Tanja Fajon, which later was supported by AFET Committee, from September to November 2009, had passed all procedure of European Parliament.

<sup>14</sup> Stefan Fule, commissioner for enlargement and european neighbourhood in presentation of the program in front of European Parliament, Brussels, 11.01.2010.

An howsoever superficially analysis of the visa policy of EU toward aspiring countries of the Western Balkans brings to the instruction that it was not led from the principle of individual merits than of selective political approach, because if it would be based only in the first, then, Macedonia was the only state that had satisfied the criteria of *roadmap* for visa liberalization, and not, to say, Serbia. Also, the commissionair for enlargement, Oli Rehn, from the half of 2009, after the communication of these recommendations would accept that it remained to Serbia, till the full visa liberalization “to fulfill some additional conditions”, above all, “Belgrade’s guarantee that can control the border with the state of Kosova, on her own; that will cooperate with EULEX, especially in field of Police and Customs”, while, in order to avoid political misuse in relation with Kosova, that “ free visa movement through Europe is not valid for citizens of Serbia who live in Kosova.”<sup>15</sup>

Hereupon, it was not clear if the Council<sup>16</sup>, after recommendations of the EC, would refrain from its principles for individual merits of each state, (“*country-by-country assessment*”)<sup>17</sup>, or because of regional political considerations would expand the circle of states that would win visa liberalization. Macedonia was evaluated as the only country that satisfied *benchmarks* and *roadmaps* for visa liberalisation. However, as stated, some great EU countries put Serbia and Montenegro in the white list of Schengen without considerin political consequences of such decision for the citizens of Bosnia and Hercegovina and Kosova that were threatened to remain the last EU ghetto. Different models were discussed on how to get out from this situation in which *lege artis*, only one state – Macedonia, had technically fulfilled determined criteria by the European Commission, but that at same time, some states inside the Council were lobbying for the formula of three countries in one package. Perhaps, “the Asterix model”, with individual conditioning and garantees of the states – used in previous practices of visa liberalization – was not considered adequate one, by the EC, exactly because it was not successfully in the past.<sup>18</sup> In the end, paradoxaly, regarding the Western Balkans countries, except other conditions, it was required possession of biometric passport, which was not required to Bulgaria, for example. But, after transferring to the white list of Schenge, even with accession to the EU, it doesn’t mean that a state automatically becomes part of Schengen Zone.<sup>19</sup>

---

<sup>15</sup> Interview of the commissionair for enlargemetn, Oli Rehn, with BBC, 23.07.2009

<sup>16</sup> Final decision was taken in the Council of Ministers of Internal Affairs of EU member states, in November 30<sup>th</sup>, 2009.

<sup>17</sup> Ibid.

<sup>18</sup> The opportunity of applying of this model was required by Macedonia within the frame of the dialogue for visa liberalisation with the EU, but it was not supported by the European Commission.

<sup>19</sup> Thus, Portugal and Spain, even though were members of EEC in 1986, they became members of Schengen zone 11 years after, respectively in 1992. Finland, Sweeden and Denmark in 1996, etc.

### 3. How the process flow in Western Balkans and what balkanic experience shows for visa liberalization with the EU?

Following we will give a summary of the progress of this process that started as facilitation and concluded as visa liberalization with the EU.

#### *A). Visa facilitation.*

Within the framework of this first sub-phase of the process which pierces the proves of pre-accession are included these activities as following:

1. beginning and ending within the year of negotiations for visa facilitation and re-admission with the EU
2. signing of the agreement for re-admission and visa facilitation, and
3. **Entering into force** of the agreement for visa facilitation with the EU.

All Western Balkans states<sup>20</sup> finished this passing phase in the end of 2007, while agreements of this phase, entered in force in the beginning of 2008.

#### *B). Visa liberalization.*

This is the following phase, the successfully enclose of which, brings to the no visa regime of EU. When it is spoken for visa liberalization, this does not mean that the aspiring state is automatically part of free Schengen zone, but just an opportunity for the citizens of that country to move freely, under determined conditions within the this free zone of Schengen. This system is primarily:

- a) Informative System for entry and exit of all citizens in the borders of Schengen (in territories of all member countries); and
- b) Police controle system for entries in the borders of Schengen (in territories of all countries).<sup>21</sup>

However, to achieve the free visa regime, it is necessary to pass through a difficult procedure which includes these phases:

---

<sup>20</sup> Except Kosova, which was not included in the visa facilitation proces, because in February 17th, 2008, was not internationally recognised state.

<sup>21</sup> Check for more: Ferdinando Riccardi: "Iceland, Visas for Balkans and British backing for the EURO", Bulletin Quotidien Europe, No.9948, 25.07.2009, p.3

1. Opening and development of the **dialogut** for visa liberalization (some rounds of negotiations between the country and EC),<sup>22</sup> a process that started in the beginning of 2008

2. Approving of **Road map** for visa liberalization designed by EC which contains 4 parts of criteria that have to be fulfilled by country pretender.<sup>23</sup> In fact, *road map* is a manual for completion of these four parts:

I. First part: Securing documents (biometric documents of identification).

II. Second part: Illegal imigration/ migracioni ilegal (asylum, immigration, managing with the borders)

III. Third part: Public order and security (rule of law, judicial cooperation in penal sphere, anticorruption and organized crime) and

IV. Fourth part: International relations and fundalemntal human rights.

3. Implementation of these parts is discussed between representatives of country pretender and EC in meeting round; they are reviewd by the respective verification EC missions in the territory of country pretender and based on gathered information the EC gives its *first assesment*<sup>24</sup> for meeting the tasks arising from the *road map*.

4. After some rounds of discussions and missions that have to verify again in the territory the matching of the findings from the first evaluation with the reality of the country contender, the EC gives the *final assesment*,<sup>25</sup> which servs as the basis of respective recommendation of the EC if to that country should be given a free visa regime with the EU. With the completion of the final evaluation for the satisfaction of the required standards in road maps for each country, it is given the evaluation for each of these parts and this evaluation has five levels of assessment: "meets the benchmarks set under block...", (which is the highest assessment) "generally meets...", "in larger majority meets...", "in majority meets..." and "dosen't meet..." (which is negative assessment).<sup>26</sup>

---

<sup>22</sup> This visa liberalisation dialogue was opened firstly with Republic of Macedonia during the visit of former vice-presidnet of the European Commission, Franco Frattini, in Skopje, in February 19-20<sup>th</sup>, 2008. It continued with the opening of dialogue with Montenegro, Serbia, Albania and Bosnia and Hercegovina, in May 26<sup>th</sup>, 2008.

<sup>23</sup> For example, presentation of this road map for Serbia in April 7<sup>th</sup>, 2008, for Macedonia in April 8<sup>th</sup>, 2008, Albania in May 2008, or Montenegro, in May 28<sup>th</sup>, 2008.

<sup>24</sup> First Assesment for imeplementation of road map in aspiring countries of the Western Balkans included in liberalisation of visas was given by the European Commission in November 24<sup>th</sup>, 2009.

<sup>25</sup> The European Commission in May 18<sup>th</sup>, 2009, delivered to the EU member states the Final Report of Assessment of implementation of the road maps for each country. Check for example the report for Macedonia: "Updated Assesment of the Implemenetation by the Former Yugoslav Republic of Macedonia of the Roadmap for Visa Liberalisation" (EC, Brussels, 18 May 2009, pp. 1-25).

<sup>26</sup> Ibid.

5. **EC report** for filling these criteria<sup>27</sup>, with which it is done the final assessment of the *roadmap* implementation and depending on the level of its implementation, is given the recommendation for visa liberalization with the respective country.

6. Based on this positive report and after having advisory opinion from the EP, with 255 votes of 19 member states, a **Decision** is brought with which the respective directive changes for visa liberalization, a change that puts the state **from black to white list of the states**. The approving of the decision is done by qualified majority voting in the Council and after voting in the EP with simple majority (it is needed at least 90 votes against, in order to block this decision).

7. It is calculated that the process of **no visa regime** in Schengen zone of EU (without Denmark, Ireland and UK, and with Norway and Island which are not EU members, but accept visa Schengen of EU) from the presentation of *road map*, to the no visa regime, with a country pretender, it takes at least 6 months and could last till one year. It is started with official opening of the dialogue for visa liberalization between the aspiring country and EC representatives (EC vice president, commissioner for justice). Then, the dialogue continues in some rounds of meeting in experts level (from the ministry of internal affairs, international relations, justice, sector of euro-integrations, etc) based on the *roadmap*, which is designed by EC for each country contender and which contains *benchmarks* of conditions or referring points that have to be fulfilled till the visa liberalization (personal documents and biometric passports, integrated and computerized management of borders, establishing of visa center, border control and fight against illegal trafficking, organized crime, etc).

After finishing this cycle of political dialogue for visa liberalization, the EC send the **Report** to the Council for the progress achieved for each country and the respective recommendation. Then, with majority voting, the Council brings decision for visa liberalization with that country (example: Croatia had visa liberalization with the EU before starting the accession negotiations, while Turkey and Macedonia, even though candidate states, till the end of 2008, still were not in the list of no visa regime with the EU). Then, with the proposal of the European Commission, the Council approves the decision for visa liberalization, after consultations with the European Parliament with 2/3 of votes. So, this is not a consensual decision, for which it is required a unanimity of each EU member state, but a decision that is approved by the majority, however, to date experience has shown that before this majority voting, some member states lobby for or against the approval of this decision towards the particular state, in order to have a determined positive or negative votes.

---

<sup>27</sup> In the end of 2008, the European Commission had published the assessment reports for the level of implementation of the *roadmap* of visa liberalisation before publishing of the final assessment report, in spring of 2009. Check for more: "Assessment of the Implementation by the former Yugoslav Republic of Macedonia of the Roadmap for Visa Liberalization", Brussels, 25 November, 2008.

I. Legislative procedure for changing the regulation of Schengen 539/2001<sup>28</sup> **starts with the proposal of European Commission**, which preliminarily waits for the evaluation of assessment missions that evaluate the implementation of the *road maps*-even in a country pretender.

II. After receiving **the assessment** of these missions, **the EC designs the evaluation report** for each state and presents them before the member states in Brussels (in COWEB and in working teams for visas). If there is an overall consensus that the particular state has satisfied the criteria, then the EC team **begins with the designing of the text of amendment** of regulation 539/2001, respectively the proposal for putting that state to the “white list”.

III. The amendment proposal, then is examined in the so-called “**sub-sectorial consultation**”, a process of consultations in the framework of forty general directorates of the EC, including here the judicial services of EC.

IV. After finishing of these consultations, the proposal **is translated in to the official languages of the EU** (23 of them) and then it goes to the General Secretariat of the European Commission.

V. The General Secretariat of EC brings the proposal for approval to the **College of Commissioners** (27 commissioners). This procedure could be done in two ways: writing procedure, according to which, the proposal is sent to the cabinet of commissioners and within five days they must declare about the text. If there is no answer, then the proposal is considered as approved. The other procedure: oral, the proposal is discussed in weekly meeting of the EC and they vote for it. In practice always is attempted to be achieved a unanimity of all commissioners.

VI. **When the EC approves the amendment proposal, the same is sent to the Council**, which **sends the proposal to the European Parliament**, respectively to the General Secretariat, before bringing the decision.

VII. The proposal is discussed at many committees of the EP (LIBE, in the Committee for Citizens Freedoms, Justice and Internal Affairs, AFET) and then, **a reporter** is appointed which presents the **EP opinion in plenary session for decision**.

VIII. **The EP opinion is sent to the Council**, which at the beginning has to achieve a political agreement between member states in GAERC and then decides officially for the amendment proposal of the Council for Justice and Internal Affairs of EU (composed of foreign, judicial and internal affairs ministers of member states). **Decision is brought**

---

<sup>28</sup> Signatory of the Schengen Agreement are 25 EU member states, without UK and Ireland. While in the Schengen zone are not also Romania, Bulgaria and Cyprus, but in this zone are Norway, Island and Switzerland which are not EU members. Lichtenstein could join this zone. Based on the Schengen Agreement is approved the Regulation 539/2001, which has two annexes: Annex 1, or “black list” where are put all states, citizens of whom must have visa for Schengen zone, if they wish to enter, and Annex 2, or “white list”, where are put states that don’t need visa for Schengen.

**with qualified majority voting**, respectively with **228 of 309** votes (UK and Ireland do not vote because they are not members of Schengen zone, which come from at least 12 EU member states).

**IX.** After approving the decision for the change of regulation 539/2001, it has to be **published in Official Newspaper of the EU** (which usually takes three weeks) and ordinary, as all other decisions, **it enters into the force in the 20<sup>th</sup> day after announcement by the Official Newspaper.**

#### **4. Economic implications and visa liberalisation**

The history of united Europe is a successful one, avoiding the conflicts and wars from our old continent guarantying the peace and prosperity in ever enlarging areas. The cooperation for single market between member states has gone better than foreign and security policy. Economic project of united Europe was based in four fundamental freedoms: free movement of goods, services, capital and people. Even though clarified in the Article 39 of Treaty Establishing the EU, as basic principle, the free movement of workers has moved slowly than three others. It is economically confirmed that not having a labour market has prevented the effects of economic policies of EU. Brussel's technocrats, has often seen, with thick glasses, costs that could bring the enlargement of Schengen zone and opening of labour market. In order to justify the hesitant attitudes for free movement of people and opening of the labour market, burocrats exaggerate negative effects of the opening of labor market and minimize the positive effects of free movement. For politicians of nationalistic attitudes, the debate for the emigration, fear of terrorism, deterioration of non-employment during global crisis, has been a great opportunity for rising their impact in some countres of EU.

Free movement and later the possibility to work in all EU member states will bring mutual benefits. A survey done in 2009, proves that countries with a more flexible policy for labour markets, have gained more, selecting qualified educated labour power from new EU member states. Researches clarify that restrictive attitudes towards free movement have stopped emigration. They have just deteriorated its structure, because illegal emigration is not prevented.

European experts conclude that fee movement and opening of labour market is not just a basic principle of European Union, but it affected positively for providing sustainability of social system of member states and for strengthening of competitive ability of EU in global markets. EU benefits are clear, but the costs of Balkanic countries from the denial of free movement should be known better by Brussel's technocrats. For the countries of Western Balkans, every delay in free movement, is an extention of this 65 years denial of one of fundamental European rights.

Recently, EU politic leadership is offering free movement for non-member countries too. This philosophy could be applied for labour market and EU funds, also. Application of successful policies of EU (which applied for member countries) before becoming of these countries members of EU; there should not be a strategy of delaying and further extention for accession, but for an approximation with the standards of united Europe.

EU political will is clear; the possibility to have free movement is much more than ever. Freedom of movement has some years that is not prevented anymore from strict policies of Brussels, but from our repeting failures. Freedom of movemet is in the foundations of the four basic freedoms where it is based the project of unification of Europe. Elimination of the borders and barriers for free movement of goods, services, capital and people is evaluated as vital for the future of this project. In a long-term view of point, the European Union will aim, more and more, facilitating policies for fee movement, not just with member states, or candidate members, or aspiring countries. These policies will aim areas in expansion. The decision to take out visas for three Western Balkans countries is a good news for all the region. Some places benefit directly, but non-benefit countries will feel the costs of failure and pressure of not being late anymore. The policy of free movement that is offered to the Western Balkans countries (which is in three different phases of accession in the EU), shows that EU leadership and Brussel's technocrats have growing positive will for our region. In United Europe there is a clear political will for supporting European perspective of Western Balkans, for facilitating of economic and social difficulties that could grow, and not just for the reason of global crisis. The expansion of the are of United Europe where there is a movement without visa, it is a good opportunity for all Western Balkans countries. On the other side, every country of the region that will be late in completing technical criteria, they will not just loose an opportunity, but also will have growing difficulties in order to benefit from the regional cooperation.

## **5. Conclusion**

Even though tragic events of the near past has remained in our memory; countries of the region affirm and take their responsibility for building a sustainable and pacific future for their people. With the entering into the force of Lisbon Treaty, in 2010, marked a new beginning for the expansion towards Western Balkans. In recent years, the region has done a sensitive progress toward accession in the EU, showing pro European mentality of the countries of Western Balkans. Serbia, Montenegro and Macedonia entered into the no visa regime with the EU in the end of 2009. Other countries are doing progress towards free visa regime and satisfying of Copenhagen

criteria. Albania, Bosnia and Hercegovina could benefit from visa liberalisation in the end of 2010.

Visa liberalization remains basic pillar for accession in the EU, which will encourage cosmopolitan intercultural understanding and pro-european mentality of the region. There is also a sensitive improvement towards the standards of human rights and reforms in justice; the respect for legal state is growing, while the process of reconciliation has done great steps forward.

## Literature

1. Blerim Reka/Otmar Hoell/Ylber Sela: *Institucionet dhe politikat e Unionit Evropian*, Tetove 2010
2. Blerim Reka/ Ylber Sela: *Hyrje ne te drejten e Unionit Evropian*, Tetove 2007
3. Stephen Kabera Karanja: "Transparency and Proportionality in the Schengen Information System and Border Control Co-operation" (Leiden, 2008)
4. Carlos Coelho: "Schengen Acquis and EU Member States" (Parliamentary Seminar: "Visa and Border Management", European parliament, Brussels, 31 March- 1st April 2009)
5. Nils Coleman: "European Readmission Policy Third century Interests and Refugee Rights", Editions Nijhoff, Leiden, 2009
6. Ferdinando Riccardi: "Iceland, Visas for Balkans and British backing for the EURO", *Bulletin Quotidien Europe*, No.9948, 25.07.2009
7. Council of the European Union: *Council Conclusions on the Western Balkans*, 2951st External Relations Council Meeting, Luxembourg, 15 June 2009
8. European Parliament: "Draft Report on the Proposal for a Council regulation amending Regulation (EC) no.539/2001, (COM(2009)0366-C7-0112/2009-2009/0104(CNS), Brussels, 18.09.2009.
9. EC: *Enlargement Strategy and main Challenges 2009-2010*, (COM)2009, 533, Brussels, 14.10.2009.
10. [www.eu.int](http://www.eu.int)