

COMMISSION EUROPÉENNE

Cabinet of Commissioner Malmström  
Deputy Head of Cabinet

Brussels, 25. 03. 2011

Ref. ARES 334955

Dear Ms Waringo,

On behalf of the Commissioner, I thank you for your letters in which you express concerns about the Commission's requests to Western Balkan countries benefiting from a visa-free travel regime to the Schengen area to prevent the abuse of the regime for the purposes of irregular immigration to the EU.

I would like to clarify one important issue: the Commission has never asked that asylum requests from citizens of a third country must stop. The Commission has requested Western Balkan countries which have recently been granted the visa-free regime to ensure that organised networks do not use the asylum systems of Member States to facilitate the entry and stay of persons without international protection needs.

The different progress reports you quote in your letter, while generally acknowledging the improvements in the human rights situation of the Western Balkan countries, also list some problems, including discrimination, encountered by minorities in the countries of the region. No one can therefore exclude that certain citizens from this region may be in need of international protection. Those needs must be assessed on an individual basis in the course of fair and objective procedures that take into consideration the general situation in the country of origin as well as the particular circumstances of the applicant.

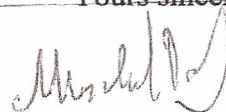
The abolition of the visa requirement for citizens of a certain third country does not imply that such persons cannot apply for asylum in the EU. This would be contrary both to the Geneva Convention on refugees and to the EU's asylum *acquis*. The visa-free regime requires, however, that the authorities of the countries benefitting from such regime constantly monitor its implementation so that the system does not lead to abuses.

Ms. Karin Waringo  
Chachipe a.s.b.l.

With regard to your request concerning the monitoring of the application of the EU readmission agreements concluded with the former Yugoslav Republic of Macedonia and with Serbia, I would like to inform you that the Commission has recently published its detailed evaluation of all EU readmission agreements concluded so far with third countries. The evaluation (see attached) which was adopted on 23 February 2011, provides inter alia a comprehensive analysis of the application of the agreements in force, as well as recommends possible improvements for the future, including with regard to human rights standards.

I hope this answers your questions.

Yours sincerely,



Laurent MUSCHEL