



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL FOR MIGRATION AND HOME AFFAIRS

The Director-General

Brussels  
HOME.B.4/GS

Dear Sir, dear Madam,

Thank you for your recent letter highlighting the vital role of professional drivers in sustaining the trade and transport relations between the Western Balkans and the EU. We fully agree that drivers in international road transport provide an indispensable service that not only deepens economic connections, but also enables people-to-people contacts at multiple levels.

You call for the review of the current definition of a visa-free short stay in the Schengen area, which is set in the EU's secondary legislation as a maximum of 90 days in any 180-day period. You argue that this limit is too constraining for professional drivers from the Western Balkans.

First, let me clarify that this limit reflects the competences of the EU to adopt a common policy on the movement of persons in the Schengen area for a short-stay, as set out in the Convention Implementing the Schengen Agreement <sup>(1)</sup>. Any longer stays, going beyond 90 days, are the competence of the Member States. I regret to inform you that there are no plans to change the divisions of competences between the EU and the Member States in this regard or to modify the definition of the short-stay in Union law.

Hence, the competence for stays of over 90 days will continue to be with Member States, who are able to accommodate different needs and applicant profiles through national long-stay visas or residence permits. This solution may also be adequate for professional drivers, and we invite transport companies to explore such options with the Member States concerned.

Nonetheless, we are aware that there could be situations where drivers would want to stay longer than 90 days in the Schengen area, without staying longer than a cumulative 90 days in any single Member State. There is a legal gap concerning such stays, which the Commission last proposed to address in 2014 with the creation of a specific type of visa.

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<sup>(1)</sup> <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A42000A0922%2802%29>

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This proposal was not supported by Member States in the Council, leading to its withdrawal in 2017.

For the time being, combined solutions will have to be found, where Member States' rules on long-stay visas, work and residence permits will have to be explored fully, if professional drivers from the Western Balkans would like to stay and work in the EU beyond the 90-day limitation of the Schengen acquis.

As you are already aware, the Stabilisation and Association Agreements concluded with our Western Balkan partners include several provisions which facilitate road transport between the Western Balkans and the EU, including on unrestricted road transit traffic, reciprocal market access, and taxation, tolls, and other charges. The Commission is always ready to discuss with our partners how best to maximise the benefit of these provisions. In addition, in the context of the new growth plan for the Western Balkans set out by President von der Leyen on 31 May, we are ready to explore possibilities to associate the Western Balkans more closely with the Single Market across a range of areas, including transport.

Yours faithfully,

Monique PARIAT