

Visas: nationals of a Member State, reciprocity mechanism to be used by a third country on the list in Annex II

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This is the third annual report prepared by the Commission for the European Parliament and Council on certain third countries' maintenance of visa requirements in breach of the principle of reciprocity. It has been prepared in accordance with provisions set out in Council Regulation (EC) No 539/2001.

To recall, Regulation (EC) No 539/2001 is at the heart of the common EU visa policy, listing the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States in Annex I (the "negative" list) and those whose nationals are exempt from that requirement in Annex II (the "positive" list). It was substantially modified by Regulation 851/2005 in June 2005, which introduced a new reciprocity mechanism, the aim of which is to establish reciprocity towards third countries while still requiring a visa from citizens of certain Member States for stays of less than 90 days while the Community does not apply such visa requirements towards the citizens of those third countries.

In its second annual report prepared in October 2006, the Commission concluded that the new reciprocity mechanism had proven to be effective (a remarkable success) resulting in a steady and significant fall in the number of "non-reciprocity situations" – the exception being with the United States. As such, the Commission announced that it would prepare a report by 31 March 2007 and, where appropriate, put forward concrete proposals should the non-reciprocity situation persist. A position, which was later endorsed by the Council. This third report, takes stock of the Commission's approach vis-à-vis third countries on the positive list but which continue to require visas from nationals of the Member States. The main findings of the report are as follows:

The Commission finds that dialogue with third countries under the new reciprocity mechanism has proven to be effective. Since its establishment in June 2005 (in little more than two years) full visa reciprocity has been achieved or is in the process of being achieved with a number of important third countries. This in spite of challenges arising from the accession of Bulgaria and Romania to the EU. For example, New Zealand and Mexico have abolished visa requirements for Bulgaria and Romania in less than six months from the entry of these two Member States to the EU.

The Commission has also achieved significant progress in dialogue with Australia, which is expected to treat equally all Member States' citizens starting from mid-2008. A comprehensive visa waiver agreement will soon be negotiated with Brazil.

As far as the United States is concerned, the adoption of new legislation modifying the VWP should pave the way for its extension to all EU Member States. Now that this legislation has been adopted, its conditions and the timeline for its implementation will be carefully examined by the Commission. The Commission, however, still reserves the right to propose retaliatory measures if expected progress towards full visa reciprocity fails to materialise in good time.

Canada has agreed to make its visa review process more transparent and provide more information on thresholds. However, for the moment no progress has been made in lifting visa requirements. The Commission, therefore, proposes that to demonstrate its commitment, Canada should lift visa requirement for one or more EU Member States by the end of the year to show further tangible progress toward

reciprocity in the first half of 2008. Failing such progress, appropriate steps could be considered against Canada.

The fourth annual report will be prepared by the Commission not later than 30 June 2008.