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

2004/0141(CNS) - 19/10/2009 - Follow-up document

The Commission presents a **special report** to the Council on the re-introduction of the visa requirement by Canada for citizens of the Czech Republic.

On 14 July 2009, in accordance with Article 1(4)(a) of Council Regulation (EC) No 539/2001, as amended by Council Regulation (EC) No 851/2005, the Czech Republic has notified the Commission and the Council that as of 14 July 2009 **Canada unilaterally applies the visa regime to nationals of the Czech Republic**. This notification has been published in the Official Journal on 6 August 2009, which means that in accordance with Article 1(4)(c) of Council Regulation (EC) No 539/2001, as amended by Council Regulation (EC) No 851/2005, the Commission shall report to the Council within 90 days from this date of publication; therefore, by 6 November 2009.

This report takes stock of the steps taken by the Commission following this notification.

The reimposition of the visa requirement of 14 July 2009: Canada had lifted the visa requirement for nationals of the Czech Republic on 31 October 2007. On 13 July 2009, the Canadian authorities informed the Czech authorities through several channels, including a formal Diplomatic Note, that the visa requirement would be reintroduced for Czech nationals as from the next day. On the same day Canada also introduced the visa requirement for Mexican nationals. Also in this case, the main reason was the large number of refugee claims from Mexico, making it the number one source country for refugee claims in Canada.

The rising numbers of Czech refugee claimants – **most of them are of Roma origin** – in Canada has been discussed repeatedly at meetings between Canadian and Czech authorities since the lifting of the visa requirement on 1 November 2007, and in particular in the run-up to the reintroduction of the visa requirement on 14 July 2009.

Steps taken after the reimposition of the visa requirement: on 20 July 2009, the Czech Republic notified the Commission and the Council that, in accordance with Article 4(1)(a) of Council Regulation (EC) No 539/2001, **the Czech Republic has imposed the visa requirement for holders of Canadian diplomatic and service passports as from 16 July 2009**.

Following the reintroduction of the visa requirement, the Commission consulted both the Czech and Canadian authorities regularly on the issue. Furthermore, the Commission accompanied a Czech delegation for consultations with Canadian authorities in Ottawa on 10 September 2009. In addition, the issue was discussed at the EU-Canada Ministerial Troika in Ottawa on 1 October 2009.

Assessement: this is the first time that a third country has re-imposed a visa requirement for citizens of a Member State. The Commission considers that this **highly regrettable situation** should be brought to an end as soon as possible. Canada is aware that the European Union's common visa policy is based on the principle of reciprocity. It is particularly unsatisfactory that Czech citizens are not able to obtain visas at the Canadian embassy in Prague. The Commission acknowledges that Canada provides several visa

process facilitations to Czech citizens in the Czech Republic but calls upon Canada to return to the previous situation regarding the visa issuance process for Czech citizens by reinstating visa issuing facilities in the Czech Republic.

The Commission welcomes the willingness of all sides to engage in a dialogue and encourages Canada and the Czech Republic to continue their consultations in the framework of a Canada-Czech Republic Experts Working Group to address all issues in relation to the re-imposition of the visa requirement; e.g. for Canada to **clarify its asylum system** and the immigration violations by Czech travellers, and for the Czech Republic to clarify the implementation of its programmes and policies regarding minorities and in particular Roma communities. The Commission calls upon Canada to set out clearly a path of measures it intends to take to lift the visa requirement for Czech citizens in the near future.

The Commission notes that the Czech Republic has decided to require visas for holders of Canadian diplomatic and service passports. Unless the measures mentioned in the previous paragraphs are established, in a satisfactory manner, by the end of 2009 the **Commission will recommend imposing or re-imposing a visa requirement for certain categories of Canadian citizens** (holders of diplomatic and service passports).

Conclusions: although Canada provides several visa process facilitations to Czech citizens in the Czech Republic, pending restoration of visa-free travel for Czech citizens the Commission calls upon Canada to return to the previous state regarding the visa issuance process for Czech citizens by reinstating visa issuing facilities in the Czech Republic. The Commission encourages Canada and the Czech Republic to continue their consultations in the framework of a Canada-Czech Republic Experts Working Group to address all issues in relation to the re-imposition of the visa requirement, and reiterates its readiness to facilitate and participate in those discussions. The Commission calls upon Canada to set out clearly the measures it intends to take to lift the visa requirement for Czech citizens in the near future. Furthermore the Commission will recommend imposing or re-imposing a visa requirement for certain categories of Canadian citizens, unless Canada takes positive steps towards facilitating formalities for Czech citizens wishing to visit Canada and setting out a path towards the restoration of visa-free travel for them.