Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

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Council Regulation (EC) No 539/2001 of 15 March 2001, listing the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (Annex 1 to the Regulation, the "negative list") and those whose nationals are exempt from that requirement (Annex II to the Regulation, the "positive list"), is the basic instrument of our common visa policy, providing a reciprocity mechanism for cases where a third country on the positive list maintains or introduces a visa requirement for the citizens of one or more Member States.

The first four reports showed gradual progress achieved in solving non-reciprocity issues. The fifth visa reciprocity report of 19 October 2009 showed that only five third countries on the positive list still continued to require visas from citizens of one or more Member States.

On the same date, the Commission adopted an ad-hoc report on the re-imposition of the visa requirement by Canada for Czech citizens. For the first time a third country on the positive list had re-imposed a visa requirement for citizens of a Member State since the introduction of the new visa reciprocity mechanism in 2005. The Commission concluded that unless Canada were to take positive steps towards facilitating formalities for Czech citizens wishing to visit Canada and setting out a path of measures towards the restoration of visa-free travel for them by the end of 2009, the Commission would recommend imposing or re-imposing a visa requirement for certain categories of Canadian citizens.

The **present sixth visa reciprocity report** takes stock of the results of the efforts made since 19 October 2009.

Main conclusions: the implementation of the new visa reciprocity mechanism established in 2005 through Council Regulation (EC) No 851/2005 can be considered as satisfactory.

Australia and Japan now provide equal treatment of citizens of all Member States but final determination of full visa reciprocity awaits respectively further assessment of the eVisitor system and the permanent visa waiver for Romania.

With **Brazil** the European Union will sign very soon two visa waiver agreements – one on ordinary passport holders, the other on holders of diplomatic, service or official passports – which will ensure visa reciprocity. The Commission will endeavour an early ratification of these agreements by the European Union and monitor ratification by the Brazilian side.

Only a very limited number of "non reciprocity" cases subsist, two of which have specific characteristics:

- **Brunei-Darussalam** grants all EU citizens a visa waiver, but it is valid only for 30 days, renewable twice for 30 days; the Commission will continue efforts to establish full reciprocity although the current situation does not lead to problems for EU citizens;
- **Canada** has re-introduced the visa requirement for Czech citizens, in 2010 Canada has adopted a reform of its asylum system and agreed to review the visa regime with the Czech Republic before the new Canadian asylum legislation is implemented in the end of 2011. The Czech Republic is fully cooperating with Canada on agreed path of measures supporting this process. The steps indicated by Canada with a goal to review the visa regime with the Czech Republic will be closely monitored by the Commission, in particular, the prompt and appropriate follow-up by Canada of its

data-gathering mission to the Czech Republic expected to take place before the end of 2010. In case of a positive assessment the Commission expects Canada to lift visa obligation for Czech citizens.

- When addressing the other remaining cases of non-reciprocity, i.e. as regards the **U.S**. (visa requirement for Bulgaria, Cyprus, Romania and Poland) and **Canada** (visa requirement for Bulgaria and Romania), the **EU is confronted with the limits of its reciprocity mechanism as set out in the current acquis**. In these cases indeed Member States are considered by third countries not to meet objective criteria for visa waiver set out unilaterally by these third countries in their domestic legislation (e.g. not issuing biometric passports, not meeting thresholds set for visa refusal and/or overstay rates).

The Commission will continue to raise these issues at all relevant occasions and in all appropriate fora with the third countries concerned. At the same time, the Commission invites the European Parliament, the Council and the Member States to reflect on how to further address these cases of non-reciprocity.