Visas: third countries whose nationals are subject to or exempt from a visa requirement

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The Council adopted a **general approach** concerning certain elements of the Commission proposal to amend the rules governing the EU's visa-free regime. This allows for negotiations with the European Parliament to start.

To recall, the core of the Commission’s proposal is the introduction of a safeguard clause allowing the temporary reintroduction of the visa requirement for citizens of a third country whose nationals can normally travel to the EU without a visa.

While welcoming the **safeguard clause**, the Council decided to amend Article 1a. The original proposal for this article set the following condition for a Member State to notify the Commission of an emergency situation that could trigger the safeguard procedure: a sudden increase of at least 50% in relation to illegal stays and/or asylum applications and/or rejected readmission applications.

In the Council's general approach, three main changes were introduced:

- the reference to a percentage has been replaced by a reference to "**a substantial and sudden increase**". The 50% notion was moved to a recital, thus becoming a guiding principle that indicates how the provision could be applied;
- the **notion of asylum applications was clarified** by adding that this criteria refers to asylum applications "which are manifestly unfounded or do not fulfil the conditions for international protection";
- the paragraph listing the issues to be taken into account by the Commission when examining the Member State notification was extended, adding a reference to public policy and internal security as well as to the **consequences of a possible suspension**.

The main reason for the changes proposed is to have the Commission focus on the assessment of the real situation described by the Member State presenting the notification.

The safeguard clause as it stands now also provides that, if problems regarding a third country persist, the Commission can propose to move that country permanently from Annex 2 to Annex 1, i.e. to the list of those countries whose nationals are not exempt from having a visa when travelling to the EU.