

Third countries whose nationals are subject to or exempt from a visa requirement

2012/0309(COD) - 27/02/2014 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 523 votes to 41, with 13 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement.

Parliament adopted its position at first reading under the ordinary legislative procedure. The amendments adopted in plenary were the result of an agreement negotiated between the European Parliament and the Council. They amended the Commission proposal as follows:

Case-by-case evaluation of third countries: the determination of the third countries whose nationals are subject to, or exempt from, the visa requirement has since 2001 been made on the basis of the criteria included in recital 5 of Council Regulation (EC) No 539/2001. The evolving nature of the EU's visa policy and the increased need to ensure more coherence between visa policy and other EU policies justify that some additional criteria be taken into account when reviewing the lists of countries in Annexes I and II to Regulation (EC) No 539/2001. The determination of the third countries whose nationals are subject to, or exempt from, the visa requirement should be governed by a considered, case-by-case assessment.

Applicable evaluation criteria: the determination of those third countries whose nationals are subject to or exempt from the visa requirement, should be based on a case-by-case assessment of a variety of criteria relating, inter alia, to **illegal immigration, public policy and security, the economic benefits**, in particular in terms of tourism and foreign trade, and the Union's external relations with the relevant third countries including, in particular, **human rights and fundamental freedoms** considerations, as well as the implications of regional coherence and reciprocity.

The United Arab Emirates: given that the UAE meet the criteria for visa exemption established by the regulation in question, this country is therefore included in the list in Annex II of the Regulation - the "positive" list.

Peru – Colombia: exemption from the visa requirement for nationals of Colombia and Peru (as well as a number other countries laid down in the proposal) should not come into force **until bilateral agreements on visa waiver between the Union and the countries concerned have been concluded** in order to ensure full reciprocity. The Commission should further assess the situation of Colombia and Peru with regard to the criteria set out in Article X before the opening of negotiations on bilateral agreements on visa waiver between the Union and those countries.

It should be noted that the legislative resolution is accompanied by several statements:

- **European Parliament, Council and Commission statement on the further assessment of Colombia and Peru:** the European Parliament and the Council recognise the need for a further assessment of the fulfilment by Colombia and Peru of the relevant criteria before the Commission presents recommendations to the Council for decisions authorising the opening of negotiations on visa waiver agreements with those countries. **The Commission commits to proceed with those assessments without delay and to transmit them to the European Parliament and to the Council as soon as possible after the entry into force of this Regulation.**

- **Commission statement on informing the European Parliament:** in accordance with the Framework Agreement of 20 October 2010 on relations between the European Parliament and the European Commission, and in particular point 23 thereof, the Commission reiterates its commitment to **inform the European Parliament regularly about the conduct of negotiations on visa waiver agreements** arising from the transfer of certain countries to Annex II to Regulation (EC) No 539/2001. The Commission will present updates to the relevant bodies in the European Parliament at least **twice a year**.