

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

2012/0309(COD) - 15/05/2014 - Final act

PURPOSE: to amend Regulation (EC) No 539/2001 to include some small Pacific islands on the positive list under the Regulation (Regulation, Annex II, list of nationals exempt from the obligation to be in possession of visas when crossing the external borders of Member States).

LEGISLATIVE ACT: Regulation (EU) No 509/2014 of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

CONTENT: the purpose of this Regulation is to amend Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

The main amendments concern the following issues:

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 of a variety of criteria relating, *inter alia*, to **illegal immigration, public policy and security, economic benefit**, in particular in terms of tourism and foreign trade, and the Union's external relations with the relevant third countries, including, in particular, considerations of human rights and fundamental freedoms, as well as the implications of **regional coherence and reciprocity**.

This assessment should be made periodically and could lead to legislative proposals to amend the Annexes to Regulation (EC) No 539/2001, notwithstanding the possibility of having country-specific amendments to those Annexes in particular circumstances, for instance as a result of a visa liberalisation process or as the ultimate consequence of a temporary suspension of the visa exemption.

The United Arab Emirates and other island States: the imposition of the visa requirement on the nationals of Dominica, Grenada, Kiribati, Marshall Islands, Micronesia, Nauru, Palau, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, the United Arab Emirates and Vanuatu is no longer justified. Those countries do not present any risk of illegal immigration or a threat to public policy and security for the Union in accordance with the criteria set out in this Regulation. Consequently, nationals of those countries should be exempt from the visa requirement for stays of no more than 90 days in any 180-day period.

Peru – Colombia: the Commission should further assess the situation of Colombia and Peru with regard to the criteria set out in this Regulation before the opening of negotiations on bilateral agreements on visa waiver between the Union and those countries. Exemption from the visa requirement for nationals of

Colombia, Dominica, Grenada, Kiribati, Marshall Islands, Micronesia, Nauru, Palau, Peru, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Timor- Leste, Tonga, Trinidad and Tobago, Tuvalu, the United Arab Emirates and Vanuatu 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.

South Sudan: this country is included in the list of countries in Annex I of the Regulation (list of countries that nationals should be in possession of a visa).

Specific provisions have also been added for British citizens living in islands of the Caribbean region who do not pose a risk in terms of irregular migration to the Schengen Area (*British overseas*).

ENTRY INTO FORCE: 09.06.2014.