EU/Colombia Agreement: short-stay visa waiver

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PURPOSE: to conclude the Agreement between the European Union and the Republic of Colombia on the short-stay visa waiver.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Regulation (EU) No 509/2014 of the European Parliament and of the Council amended Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States and those whose nationals are exempt from that requirement. The Regulation was adopted on 20 May 2014 and entered into force on 9 June 2014.

Regulation (EU) No 509/2014 **transferred 19 countries to Annex II, which lists the third countries whose nationals are exempt from the visa requirement**. Those 19 countries are: 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.

Colombia and Peru were, according to Recital 5 of Regulation (EU) No 509/2014 and the joint declaration issued at the time of adoption, s**ubject to a specific procedure which required a further assessment of those countries against the relevant criteria**, before the Commission could present to the Council recommendations for decisions authorising the opening of negotiations on visa waiver agreements with those two countries.

In October 2014, the Commission adopted a report broadly assessing the situation of Colombia. The Commission concluded that the significant improvement of the Colombian economic and social situation in recent years **provided justification that Colombians should be granted visa-free access to the Member States' territory**. In addition, the visa waiver agreement contains the necessary safeguards to suspend or terminate the agreement should this be required to avoid security or migration risks for the Union.

In March 2015, the Commission presented a Recommendation to the Council to authorise it to start negotiations on visa waiver agreements with Colombia and Peru. On 19 May 2015, the Council addressed negotiating directives to the Commission. The negotiations with Colombia were opened on 20 May 2015 in Brussels. **The agreement was initialled by the chief negotiators on 9 June 2015**.

The Commission considered that the objectives set by the Council in its negotiating directives were attained and that the draft visa waiver agreement is acceptable to the Union.

CONTENT: the Commission proposes that the Council **approve the Agreement between the European Union and Colombia on the short-stay visa waiver**.

The content of the agreement may be summarised as follows:

Purpose and duration of stay: the agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Colombia when travelling to the territory of the other Contracting Party **for a maximum period of 90 days in any 180-day period**.

In order to safeguard equal treatment of all EU citizens, a provision has been included in the agreement stating that Colombia may suspend or terminate the agreement only in respect of all the Member States of the European Union and that the Union may also only suspend or terminate the agreement in respect of all of its Member States.

The agreement takes into account the situation of the Member States that do not yet apply the Schengen acquis in full. As long as they are not part of the Schengen area without internal borders, the visa waiver confers a right for the nationals of Colombia to stay for 90 days in any 180-day on the territory of each of those Member States (currently Bulgaria, Croatia, Cyprus and Romania), independently of the period calculated for the whole Schengen area.

Scope: the visa waiver covers **all categories of persons** (ordinary, diplomatic, service/official and special passport holders) travelling for all kinds of purposes, **except for the purpose of carrying out a paid activity**. For this latter category, each Member State and also Colombia remain free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Union or national law. In order to ensure harmonised implementation, a joint declaration is attached to the agreement on the interpretation of the category of persons travelling for the purpose of carrying out a paid activity.

Biometric passports: the Agreement includes a number of declarations:

- on the introduction of **biometric passports** by Colombia, declaring that Colombia commits to issuing biometric passports by 31 August 2015 at the latest and that failure to introduce biometric /passports by 31 December 2015 constitutes sufficient grounds for suspension of the agreement;
- on cooperation concerning irregular migration with a commitment to conclude a **readmission agreement** upon request by either Party, in particular in case of an increase of irregular migration and in problems regarding the readmission of irregular migrants. Failure to conclude a readmission agreement upon request constitutes sufficient grounds for suspension of the agreement.

Territorial application: in the case of France and the Netherlands, the visa waiver would entitle nationals of Colombia to stay only in those Member States' European territories.

The provisions of the Agreement do not apply to the United Kingdom and Ireland.

The Agreement establishes a **Joint Committee** for the management of the Agreement, which shall adopt its rules of procedure.