EU/Marshall Islands Agreement: short-stay visa waiver

2016/0103(NLE) - 20/06/2016 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union and the Republic of the Marshall Islands 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 which lists the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States and those whose nationals are exempt from that requirement.

The Regulation, adopted on 20 May 2014, entered into force on 9 June 2014. It is applied by all Member States, with the exception of Ireland and the United Kingdom.

In July 2014, the Commission presented a Recommendation to the Council to authorise it to start **negotiations on visa waiver agreements with 17 countries** including the Marshall Islands.

The first series of visa waiver agreements were signed on 6 May 2015 (United Arab Emirates), 26 May 2015 (Timor-Leste) and 28 May 2015 (Dominica, Grenada, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Trinidad and Tobago and Vanuatu) and provisionally apply from the date of signature pending their entry into force.

The Council has authorised the **signature of a second series of visa waiver agreements** with Tonga (signed on 20 November 2015), Colombia (signed on 2 December 2015), Kiribati (date of signature to be determined) and Palau (signed on 7 December 2015).

The negotiations with the Marshall Islands were opened on 17 December 2014 and conducted by exchange of letters. **The agreement was initialled by an exchange of letters between the chief negotiators on 11 December 2015 (Marshall Islands) and 13 January 2016 (Union).**

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 proposed that the Council adopt a decision to **approve the Agreement between the European Union and the Marshall Islands** on the short-stay visa waiver.

The final content of it can be summarised as follows:

Purpose and duration of the Agreement: the Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of the Marshall Islands when travelling to the territory of the other Contracting Party for a **maximum period of 90 days in any 180-day period**. A joint declaration on the interpretation of this period of 90 days in any 180-day period is attached to the agreement.

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 the Marshall Islands 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.

A provision has been included stating that the Marshall Islands 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.

Scope: the visa waiver covers **all categories of persons** (holders of ordinary, diplomatic, service/official and special passports) 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 the Marshall Islands remain free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Union or national law. 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.

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

The provisions of the Agreement **shall not apply to the United Kingdom or Ireland**.

A joint declaration on the association of Norway, Iceland, Switzerland and Liechtenstein to the implementation, application and development of the Schengen acquis is attached to the proposal.

Lastly, the Agreement establishes a **Joint Committee** for the management of the Agreement.