

Obligations in the field of visa reciprocity

2016/2986(RSP) - 02/03/2017 - Text adopted by Parliament, single reading

The European Parliament adopted a resolution on obligations of the Commission in the field of visa reciprocity in accordance with Article 1(4) of Regulation (EC) No 539/2001.

The resolution had been tabled by the Committee on Civil Liberties, Justice and Home Affairs following a question to the Commission.

In 2013, Parliament and the Council adopted [Regulation 1289/2013](#) modifying, among other elements, the so called reciprocity mechanism of [Regulation 539/2001](#). The objective of this mechanism is to ensure that EU citizens are subject to the same conditions when travelling to a third country as nationals of that third country are when travelling to the EU.

The reciprocity mechanism **sets out a procedure starting with a situation of non-reciprocity** with precise timeframes and actions to be taken with a view to ending a situation of non-reciprocity. Its inherent logic entails measures of increasing severity vis-à-vis the third country concerned, including ultimately the suspension of the exemption from the visa requirement for all nationals of the third country concerned (second phase of application of the reciprocity mechanism).

The mechanism foresees, after intermediary steps, that “if the third country has not lifted the visa requirement within 24 months of the date of publication of the notifications, the Regulation requires the Commission to adopt a delegated act temporarily suspending for 12 months the visa waiver for nationals of that third country”.

Notifications of non-reciprocity by five Member States were published by the Commission on 12 April 2014. The Commission should have reacted to this before the 12 April 2016 but it hasn't taken any legal measure as yet.

The Commission contested the choice of delegated acts in the second phase of application of the reciprocity mechanism before the Court of Justice of the European Union. The Court considered however the choice of the legislator to be correct (Case C-88/14). Since then, Members considered that the mechanism clearly assigns obligations and responsibilities to Parliament and the Council and to the Commission in the different phases of the reciprocity mechanism.

On the basis of these elements, Parliament considered that the Commission was **legally obliged to adopt a delegated act – temporarily suspending the exemption from the visa requirement** for nationals of third countries which have not lifted the visa requirement for citizens of certain Member States – within a period of 24 months from the date of publication of the notifications in this regard, which ended on 12 April 2016.

The Commission is called on to adopt the required delegated act within **two months** from the date of adoption of this resolution at the latest.