

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

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This Commission communication addresses the state of play and possible ways forward as regards the situation of non-reciprocity with certain third countries in the area of visa policy and assessment of the effectiveness of the reciprocity mechanism provided for in Council Regulation (EC) No 539/2001.

Background: the reciprocity mechanism established by Regulation (EC) No 539/2001 as amended by Regulation (EU) No 1289/2013 of the European Parliament and of the Council, aims 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.

In a [communication](#) presented in April 2016, the Commission indicated that the vast majority of notified non-reciprocity cases involving eight third countries had been resolved. However, the communication recalled that, if the third country concerned had not lifted the visa requirement by 12 April 2016 under the reciprocity mechanism, the Commission was required to adopt a delegated act suspending for 12 months the visa exemption for nationals of that third country.

The European Parliament's [resolution](#) of 2 March 2017 on the Commission's visa reciprocity obligations invited the Commission 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.

In its follow-up [communication](#) of May 2017, the Commission defined its position following the European Parliament resolution. It considered that, in view of the progress made during the previous 12 months and of the work in progress, the adoption of a delegated act temporarily suspending the exemption from the visa requirement for nationals of Canada and the United States would have been counterproductive at that moment.

At the same time, the Commission committed to continue working closely with both the European Parliament and the Council, with Canada, the United States as well as with the Member States concerned to accelerate progress towards full visa reciprocity, and to report on the developments by the end of December 2017.

This Communication takes stock of **progress achieved in this area since May 2017 in discussions with Canada and the United States**, and reports that full visa reciprocity with Canada has now been achieved.

Recent developments and way ahead: the Commission welcomes that, in line with its earlier commitment, on 1 December 2017, **Canada lifted the visa requirement for all Bulgarian and Romanian citizens**. Full visa reciprocity has thus been achieved with Canada.

The Commission will continue to urge the **United States** to further cooperate, in the spirit of the **Joint Statement** adopted in June 2017, with the **five Member States concerned and the Commission** to accelerate progress towards full visa reciprocity. This should lead to intensified and concrete action on all

sides. The Joint Statement confirmed commitments, such as preserving and expanding visa-free travel between the EU and the United States and stepping up efforts to improve cooperation with a view to assist Bulgaria, Croatia, Cyprus, Poland and Romania in advancing more rapidly towards the fulfilment of the requirements for the Visa Waiver Program.

The Commission also continues to consider that the adoption of a delegated act temporarily suspending the visa waiver for U.S. citizens would be counterproductive at this moment and would not serve to achieve the objective of visa-free travel for all EU citizens to the United States.

Assessment on effectiveness of the reciprocity mechanism: the Commission recognises the progress achieved since the adoption of the **revised mechanism**. Although this progress cannot solely be attributed to the mechanism, it does establish an instrument that allows for collective and coordinated EU action in non-reciprocity cases, and it is considered to have proven to be a useful tool towards some third countries.

Despite some procedural shortcomings, the mechanism has helped resolve the vast majority of cases of non-reciprocity over the past two and a half years. At this point in time, **the Commission is not considering to bring forward a legislative proposal for the revision of the mechanism.**

The Commission remains committed to working closely with the European Parliament and the Council on the way forward. It will report on the further developments to the European Parliament and the Council at the latest by autumn 2018.