# Third countries whose nationals are subject to or exempt from a visa requirement, as regards the withdrawal of the United Kingdom from the Union

2018/0390(COD) - 13/11/2018 - Legislative proposal

PURPOSE: to provide UK citizens with the possibility of visa-free travel to the EU after the United Kingdom's withdrawal from the European Union.

ROLE OF THE EUROPEAN PARLIAMENT: the European Parliament decides in accordance with the ordinary legislative procedure on an equal footing with the Council.

BACKGROUND: under Article 21 of the Treaty on the Functioning of the European Union and Directive 2004/38/EC of the European Parliament and of the Council, EU citizens have the right to move and reside freely within the territory of the Member States, including the right to enter Member States without visas or equivalent formalities.

Following the United Kingdom's withdrawal from the Union, **the Treaty and Directive 2004/38/EC will cease to apply to United Kingdom nationals who are British citizens**, and the right of those citizens to enter Member States without a visa will cease to apply.

It is therefore necessary to include the United Kingdom in one of the Annexes to Council Regulation (EC) No 539/2001. Annex I lists the third countries whose nationals must be in possession of visas when crossing the external borders and Annex II lists those whose nationals are exempt from that requirement.

IMPACT ANALYSIS: No full impact analysis has been carried out. There are only two options: to include United Kingdom nationals who are British citizens in Annex I (visa requirement) of Regulation (EC) No 539/2001, or to include them in Annex II (visa exemption) of the Regulation

The Commission has concluded that United Kingdom nationals who are British citizens should be **exempt from the visa requirement** when travelling to the Union for short stays.

Given the geographical proximity, the link between economies, the level of trade and the volume of short-term travel by people between the United Kingdom and the Union for business, leisure or other purposes, the possibility of visa-free travel should facilitate tourism and economic activity, which should benefit the Union.

As the United Kingdom is classified as a high-income economy by the World Bank and is part of the OECD, its profile is that of a country with, in principle, a low risk of irregular migration to the Union.

CONTENT: the Commission proposes to **include the United Kingdom in Annex II to Regulation (EC) No 539/2001** (i.e. in the list of third countries whose nationals are exempt from the visa requirement) as regards British citizens.

This would mean that UK citizens would not need a visa to travel for short stays of up to 90 days in any 180-day period in the Schengen area. This regime would apply from **30 March 2019**. However, if an agreement is reached, it would apply from the end of the transitional period, as indicated in the withdrawal agreement.

The proposal is subject to the condition that the United Kingdom grants **reciprocal and non-discriminatory visa-free travel** to all EU Member States.

The United Kingdom Government has announced its intention not to require EU-27 citizens to be in possession of a visa when travelling to the United Kingdom for short business or tourist stays, from the date on which EU law ceases to apply in the United Kingdom. In the event that the United Kingdom imposes a visa requirement on nationals of at least one Member State, the reciprocity mechanism provided for in Regulation (EC) No 539/2001 shall apply.