Third countries whose nationals are subject to or exempt from a visa requirement when crossing the external borders. Codification

2018/0066(COD) - 28/11/2018 - Final act

PURPOSE: to establish the list of third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

LEGISLATIVE ACT: Regulation (EU) 2018/1806 of the European Parliament and of the Council listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (codified text).

CONTENT: in the interests of clarity and transparency of the law, the Regulation codifies Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement.

List of third countries

The Regulation lists the third countries whose nationals must hold a visa or are exempt from the visa requirement when crossing the external borders of the European Union (EU). It provides a common list of countries whose nationals must hold visas when crossing the external borders of a Member State (Annex I). It also lists the countries whose nationals are exempt from the visa requirement (Annex II) for stays of no more than 90 days in any 180-day period.

Case by case assessments

Decisions to amend the lists would be taken on the basis of a case-by-case assessment of various criteria relating to, ***inter alia***:

- illegal immigration, public policy and security;

- economic benefit, in particular in terms of tourism and foreign trade;

- the Union's external relations with the relevant third countries, including, in particular, considerations of human rights and fundamental freedoms, as well as the implications of regional coherence and reciprocity.

Exceptions

The Regulation provides for the possibility for Member States to exempt from the visa requirement recognised refugees, all stateless persons, both those covered by the United Nations Convention relating to the Status of Stateless Persons of 28 September 1954 and those outside of the scope of that Convention, and school pupils travelling on school excursions, where the persons of these categories reside in a third country that is included in the list in Annex II to this Regulation.

Reciprocity mechanism

The Regulation provides for:

- a Union mechanism allowing the implementation of the principle of reciprocity if one of the third countries included in the list of third countries whose nationals are exempt from the visa requirement decides to make the nationals of one or more Member States subject to the visa obligation;

- a mechanism for the temporary suspension of the exemption from the visa requirement for a third country included in the list of third countries whose nationals are exempt from the visa requirement in an emergency situation.

The suspension mechanism shall make it possible for Member States to notify circumstances leading to a possible suspension and for the Commission to trigger the suspension mechanism on its own initiative.

The Commission may adopt delegated acts concerning the temporary suspension of the visa exemption for nationals of the third country concerned.

Regular reports

With a view to ensuring that the specific requirements which were used to assess the appropriateness of a visa exemption, granted as a result of a successful conclusion of a visa liberalisation dialogue, continue to be fulfilled over time, the Commission shall monitor the situation in the third countries concerned. The Commission should pay particular attention to the situation of human rights in the third countries concerned.

The Commission shall report regularly to the European Parliament and to the Council, at least once a year, for a period of seven years after the date of entry into force of visa liberalisation for that third country, and thereafter whenever the Commission considers it to be necessary, or upon request by the European Parliament or by the Council.

ENTRY INTO FORCE: 18.12.2018.