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) - 04/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 502 votes to 81, with 29 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending 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, as regards the withdrawal of the United Kingdom from the Union.

The European Parliament adopted its position at first reading in accordance with the ordinary legislative procedure.

The draft legislative act aims to clarify the situation of United Kingdom nationals once EU law ceases to apply to them with regard to visa policy. It provides for the United Kingdom to be included in Annex II to Regulation (EU) 2018/1806 (i.e. in the list of third countries whose nationals are exempt from the visa requirement) with regard to United Kingdom citizens.

Thus, from the day after the United Kingdom's withdrawal from the EU, British citizens would not need a visa when travelling to the EU for short stays of up to 90 days over a period of 180 days.

The visa waiver is based on the expectation that the United Kingdom will grant full visa reciprocity to nationals of all Member States. If the United Kingdom were to reintroduce a visa requirement for nationals of at least one Member State, the reciprocity mechanism provided for in EU legislation should apply.

The Commission should monitor the respect of the principle of reciprocity on a continuous basis and immediately inform the European Parliament and the Council of any developments which could endanger the respect of that principle.

Visa exemption would be applicable in all EU Member States (except Ireland, which has its own visa policy) and in the countries associated with the Schengen area (Iceland, Liechtenstein, Norway and Switzerland).

The addition of the United Kingdom to Part 1 of Annex II to Regulation (EU) 2018/1806 will not cover British overseas territories citizens who have acquired their citizenship from a connection with Gibraltar. Gibraltar should thus be listed along with other British overseas territories in Part 3 of Annex II to Regulation (EU) 2018/1806.

The amended text stipulates that Gibraltar is a colony of the British Crown. There is a controversy between Spain and the United Kingdom concerning the sovereignty over Gibraltar, a territory for which a solution has to be reached in light of the relevant resolutions and decisions of the General Assembly of the United Nations.