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) - 12/04/2019 - Final act

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.

LEGISLATIVE ACT: Regulation (EU) 2019/592 of the European Parliament and of the Council amending Regulation (EU) 2018/1806 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.

CONTENT: This Regulation stipulates that, following Brexit, United Kingdom citizens entering the Schengen area for a short stay (90 days in any 180-day period) shall benefit from visa-free travel.

The existing rules provide for two lists on one of which all third-country nationals are automatically included: on the one hand, the list of third countries whose nationals are subject to a visa requirement and, on the other hand, the list of those whose nationals are exempt from that requirement. After Brexit, the United Kingdom becoming a third country shall be included in Annex II of Regulation (EU) 2018/1806 (i. e. in the list of third countries whose nationals are exempt from the visa requirement).

The visa waiver is based on the expectation that the United Kingdom shall 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 shall 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 shall 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 shall thus be listed along with other British overseas territories in Part 3 of Annex II to Regulation (EU) 2018/1806.

The regulations specify 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.

ENTRY INTO FORCE: the day following the day on which Union law ceases to apply in the United Kingdom.