Resolution on obligations of the Commission in the field of visa reciprocity in accordance with Article 7 of Regulation (EU) 2018/1806

2020/2605(RSP) - 22/10/2020 - Text adopted by Parliament, single reading

The European Parliament adopted by 376 votes to 269, with 43 abstentions, a resolution on obligations of the Commission in the field of visa reciprocity in accordance with Article 7 of Regulation (EU) 2018/1806.

Regulation (EU) 2018/1806 lists 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, in particular Article 7 thereof (‘the reciprocity mechanism’).

The mechanism thereby clearly assigns obligations and responsibilities to Parliament and the Council and to the Commission in the different phases of the reciprocity mechanism.

To ensure the adequate involvement of the European Parliament and of the Council in the second phase of application of the reciprocity mechanism, the power to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union was delegated to the Commission in respect of certain elements of the reciprocity mechanism’ including the suspension of the exemption from the visa requirement for all nationals of the third country concerned.

The Commission contested the choice of delegated acts in the second phase of application of the reciprocity mechanism before the Court of Justice of the European Union. The Court considered however the choice of the legislator to be correct (Case C-88/14).

Parliament stressed that the Commission should not be left in a situation where its delays and refusal to implement EU legislation could lead to the weakening of its credibility as guardian of the treaties, but should be reminded of its institutional and legal obligations.

In this regard, Parliament repeated its consideration that the Commission is legally obliged 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, which ended on 12 April 2016.

Therefore, it called on the Commission, on the basis of Article 265 of the TFEU, to adopt the required delegated act within two months from the date of adoption of this resolution at the latest.