

Amending Regulation (EU) 2018/1806 as regards Vanuatu

2024/0128(COD) - 31/05/2024 - Legislative proposal

PURPOSE: to permanently abolish the visa waiver regime granted to Vanuatu in order to mitigate security threats.

PROPOSED ACT: Regulation of the European Parliament.

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

BACKGROUND: the Republic of Vanuatu is listed in Annex II to Regulation (EU) 2018/1806 among the third countries whose nationals are exempt from the requirement to be in possession of a visa when crossing the external borders of the Member States for stays of no more than 90 days in any 180-day period.

The exemption from the visa requirement for nationals of Vanuatu is applicable since 28 May 2015, when the Agreement between the European Union and the Republic of Vanuatu on the short-stay visa waiver was signed and started to apply on a provisional basis. The Agreement entered into force on 1 April 2017.

Since 25 May 2015, Vanuatu has been operating **investor citizenship schemes** allowing visa-required third-country nationals to easily obtain the nationality of a visa-free country, thus enabling them to bypass the Schengen visa procedure and gain visa-free access to the EU.

As the granting of citizenship by Vanuatu under its investor citizenship schemes was deemed to constitute a circumvention of the Union short-stay visa procedure and the assessment of security and migratory risks it entails, as well as an increased risk to the internal security and public policy of the Member States, the Council adopted, on 3 March 2022, Decision (EU) 2022/366 partially suspending the application of the Agreement.

On 27 April 2022, the Commission adopted Implementing Regulation (EU) 2022/693 temporarily suspending the visa exemption for nationals of Vanuatu from 4 May 2022 to 3 February 2023.

Following the start of application of the temporary suspension of the visa exemption on 4 May 2022, the Commission started an enhanced dialogue with Vanuatu, with a view to remedying the circumstances having led to the temporary suspension of the visa exemption. However, Vanuatu did not engage in a meaningful way during this phase of the dialogue.

Due to the persistence of those circumstances and the absence of engagement of Vanuatu to remedy them, the Council as of 4 February 2023 repealed Decision (EU) 2022/366 and suspended in whole the application of the Agreement. On 1 December 2022, the Commission adopted Delegated Regulation (EU) 2023/222 temporarily suspending the exemption from the visa requirement from 4 February 2023 to 3 August 2024.

Following the start of application of that Delegated Regulation, the Commission continued the dialogue with Vanuatu. Vanuatu adopted a number of legislative changes to address concerns related to the investor citizenship schemes. However, the Commission considers that these measures have not been sufficient to mitigate the security risks posed by the investor citizenship programmes maintained by this country.

In light of the risk to the internal security and public policy of the Member States represented by Vanuatu's citizenship investment schemes, the Commission considers that it is necessary to submit a proposal to transfer Vanuatu to the list of third countries whose nationals require a Schengen visa.

CONTENT: the Commission proposes to amend Regulation (EU) 2018/1806 by **transferring the reference to Vanuatu from Annex II** (list of third countries whose nationals are exempt from the requirement to be in possession of a visa when crossing the external borders of the Member States for stays of no more than 90 days in any 180-day period) to **Annex I** (list of third countries whose nationals are required to be in possession of a visa when crossing the external borders of the Member States).

This initiative is consistent with the EU border management and security policies, as its main objective is to address security risks for the Schengen area.

In particular, the proposal aims to prevent possible abuses linked to visa-free travel from nationals of a country operating investor citizenship schemes that pose a number of risks for the Member States, in terms of public policy and security.