Revision of the Visa Suspension Mechanism

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Matjaž NEMEC (S&D, SI) on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1806 as regards the revision of the suspension mechanism.

As a reminder, the suspension mechanism, established by Regulation (EU) 2018/1806, is intended to prevent abuse of the visa-free regime. In order to effectively address the multiple challenges posed by the visa-free regime in a constantly evolving geopolitical context, this proposal aims to adapt the suspension mechanism to these challenges.

The competent committee recommended that the European Parliament adopt its position at first reading by amending the Commission's proposal as follows.

Triggering the suspension mechanism

The suspension mechanism may be triggered for the following reasons: (a) a substantial increase in the number of third-country nationals listed in Annex II who have been refused entry or who are found to be staying on the territory of a Member State without the right to do so; (b) a substantial increase in the number of asylum applications lodged by third-country nationals listed in Annex II for which the recognition rate is low.

Members clarified that a ‘substantial increase’ means an increase exceeding the 40% threshold (rather than 50%), unless the Commission concludes that a lower or higher increase is applicable in the particular case. In this case, the Commission must justify this conclusion.

Reasons for suspension

Members considered that the grounds for suspending the visa waiver should include considerations related to the Union's external relations. Thus, these grounds for suspension should include the **deterioration of the Union's external relations with a third country** listed in Annex II, due to:

- serious breaches by a third country of the principles set out in the **Charter of the United Nations**;

- grave violations of the obligations deriving from international **human rights** law or international humanitarian law;

- violations of **bilateral agreements** between the Union and that third country, non-compliance or non-alignment with relevant Union sanctions;

- **hostile acts** towards the Union or Member States which aim to destabilise or undermine society and key institutions for the public policy and internal security of the Member states and the Union;

- non-compliance by that third country with relevant Union **sanctions**, or non-alignment with those sanctions.

Notification by Member States

For the purpose of notifying the Commission of circumstances that may constitute grounds for suspension, Member States should take into account **reference periods of between two and twelve months** in order to identify sudden changes in the relevant situation that may justify the use of the visa suspension mechanism. The suspension mechanism should be triggered only where there are sufficient and clear reasons to invoke the relevant ground.

The Commission will also assess the necessity, proportionality and consequences of suspending the visa exemption.

Reports

The Commission will report periodically to the European Parliament and to the Council on the monitoring it has carried out in respect of third countries which have been included in the list in Annex II, ensuring that each of those third countries is reported on at least once within a four-year period.

In addition, the Commission will report annually for a period of seven years after the date of entry into force of visa liberalisation for listed third countries following the successful conclusion of a visa liberalisation dialogue conducted between the Union and that third country. Whenever the Commission considers it necessary, it will report on third countries which it considers, on the basis of concrete and reliable information, no longer meet specific criteria.

Implementing acts

Where a significant risk or imminent threat to public policy or internal security of a Member State requires immediate action, the Commission may adopt immediately applicable implementing acts **temporarily suspending the exemption from the visa requirement** for the nationals of the third country concerned for a maximum period of 12 months.

The Commission will comprehensively and consistently inform the European Parliament and the Council throughout the procedure.

During the period of suspension, the Commission will establish an **enhanced dialogue** with the third country concerned with a view to remedying the circumstances in question and will regularly report to the European Parliament and to the Council on the progress and outcome of the dialogue and on the effectiveness of the suspension.

Suspension of the possibility to provide for exceptions from the visa requirement as regards countries listed in Annex I

In the event of a deterioration in the Union's external relations with a third country listed in Annex I to the Regulation, and provided that that deterioration is of a significant and abrupt nature, the Commission may adopt an implementing act to suspend any exceptions from the visa requirement provided for by Member States under this Regulation as regards holders of diplomatic passports, service/official passports or special passports.

The Commission will continuously assess whether it is possible to achieve a **substantial and sustained improvement in the Union's external relations** with the third country concerned or in the level of cooperation of the third country concerned as regards the readmission of irregular migrants. On the basis of that assessment, the Commission may adopt an implementing act to repeal or amend the abovementioned implementing act.