Basic information

2000/0030(CNS) CNS - Consultation procedure Regulation	Procedure completed
Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation) Repealing Regulation (EC) No 574/1999 1997/0922(CNS) Repealed by 2018/0066(COD) Amended by 2001/0231(CNS) Amended by 2002/0280(CNS) Amended by 2004/0141(CNS) Amended by 2006/0022(CNS) Amended by 2009/0104(CNS) Amended by 2010/0137(COD) Amended by 2010/0192(COD) Amended by 2011/0051(COD) Amended by 2011/0138(COD) Amended by 2012/0309(COD) Amended by 2013/0415(COD) Amended by 2016/0075(COD) Amended by 2016/0125(COD) Amended by 2016/0139(COD) Amended by 2016/0142(COD) Amended by 2018/0390(COD) See also 2016/2986(RSP) **Subject** 7.10.04 External borders crossing and controls, visas	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	LEHNE Klaus-Heiner (PPE-DE)	11/04/2000

Former committee responsible	Former rapporteur	Appointed
LIBE Citizens' Freedoms and Rights, Justice and Home Affairs	LEHNE Klaus-Heiner (PPE-DE)	16/03/2000

Former committee for opinion	Former rapporteur for opinion	Appointed
AFET Foreign Affairs, Human Rights, Common Security, Defense	The committee decided not to give an opinion.	
JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	11/12/2000

Council of the European Union	

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2337	2001-03-15
Justice and Home Affairs (JHA)	2314	2000-11-30
Justice and Home Affairs (JHA)	2288	2000-09-28

European Commission	

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
26/01/2000	Legislative proposal published	COM(2000)0027	Summary
29/03/2000	Committee referral announced in Parliament		
21/06/2000	Vote in committee		Summary
21/06/2000	Committee report tabled for plenary, 1st reading/single reading	A5-0179/2000	
03/07/2000	Debate in Parliament		
05/07/2000	Decision by Parliament	T5-0303/2000	Summary
21/09/2000	Modified legislative proposal published	COM(2000)0577	Summary
28/09/2000	Debate in Council		Summary
04/12/2000	Amended legislative proposal for reconsultation published	14191/2000	Summary
11/12/2000	Formal reconsultation of Parliament		
06/02/2001	Vote in committee		Summary
06/02/2001	Committee report tabled for plenary, reconsultation	A5-0056/2001	
01/03/2001	Decision by Parliament	T5-0109/2001	Summary
15/03/2001	Act adopted by Council after consultation of Parliament		
15/03/2001	End of procedure in Parliament		
21/03/2001	Final act published in Official Journal		

Technical information

Procedure reference	2000/0030(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Repealing Regulation (EC) No 574/1999 1997/0922(CNS)

	Repealed by 2018/0066(COD) Amended by 2001/0231(CNS) Amended by 2002/0280(CNS) Amended by 2004/0141(CNS) Amended by 2006/0022(CNS) Amended by 2009/0104(CNS) Amended by 2010/0137(COD) Amended by 2010/0192(COD) Amended by 2011/0051(COD) Amended by 2011/0138(COD) Amended by 2012/0309(COD) Amended by 2013/0415(COD) Amended by 2016/0075(COD) Amended by 2016/0125(COD) Amended by 2016/0139(COD) Amended by 2016/0142(COD) Amended by 2018/0390(COD) See also 2016/2986(RSP)
Legal basis	EC Treaty (after Amsterdam) EC 062
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/14141 LIBE/5/12618

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0179/2000 OJ C 121 24.04.2001, p. 0008	21/06/2000	
Text adopted by Parliament, 1st reading/single reading		T5-0303/2000 OJ C 121 24.04.2001, p. 0037-0144	05/07/2000	Summary
Committee final report tabled for plenary, reconsultation		A5-0056/2001	06/02/2001	
Text adopted by Parliament after reconsultation		T5-0109/2001 OJ C 277 01.10.2001, p. 0016-0067	01/03/2001	Summary

Council of the EU

Document type	Reference	Date	Summary
Amended legislative proposal for reconsultation	14191/2000	04/12/2000	Summary

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2000)0027  OJ C 177 27.06.2000, p. 0066 E	26/01/2000	Summary
Modified legislative proposal	COM(2000)0577  OJ C 376 29.12.2000, p. 0001 E	21/09/2000	Summary
	COM(2006)0568		

Follow-up document		03/10/2006	Summary
Follow-up document	COM(2008)0486	23/07/2008	Summary
Follow-up document	COM(2009)0560	19/10/2009	Summary
Follow-up document	COM(2009)0562	19/10/2009	Summary
Follow-up document	COM(2010)0620	05/11/2010	Summary
Commission document (COM)	COM(2017)0813	20/12/2017	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2001/0539
OJ L 081 21.03.2001, p. 0001 Summary

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 20/12/2017 - Follow-up document

This Commission communication addresses the state of play and possible ways forward as regards the situation of non-reciprocity with certain third countries in the area of visa policy and assessment of the effectiveness of the reciprocity mechanism provided for in Council Regulation (EC) No 539 /2001.

Background: the reciprocity mechanism established by Regulation (EC) No 539/2001 as amended by Regulation (EU) No 1289/2013 of the European Parliament and of the Council, aims to ensure that EU citizens are subject to the same conditions when travelling to a third country as nationals of that third country are when travelling to the EU.

The reciprocity mechanism sets out a procedure starting with a situation of non-reciprocity with precise timeframes and actions to be taken with a view to ending a situation of non-reciprocity.

In a communication presented in April 2016, the Commission indicated that the vast majority of notified non-reciprocity cases involving eight third countries had been resolved. However, the communication recalled that, if the third country concerned had not lifted the visa requirement by 12 April 2016 under the reciprocity mechanism, the Commission was required to adopt a delegated act suspending for 12 months the visa exemption for nationals of that third country.

The European Parliament's resolution of 2 March 2017 on the Commission's visa reciprocity obligations invited the Commission 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.

In its follow-up communication of May 2017, the Commission defined its position following the European Parliament resolution. It considered that, in view of the progress made during the previous 12 months and of the work in progress, the adoption of a delegated act temporarily suspending the exemption from the visa requirement for nationals of Canada and the United States would have been counterproductive at that moment.

At the same time, the Commission committed to continue working closely with both the European Parliament and the Council, with Canada, the United States as well as with the Member States concerned to accelerate progress towards full visa reciprocity, and to report on the developments by the end of December 2017.

This Communication takes stock of **progress achieved in this area since May 2017 in discussions with Canada and the United States**, and reports that full visa reciprocity with Canada has now been achieved.

Recent developments and way ahead: the Commission welcomes that, in line with its earlier commitment, on 1 December 2017, **Canada lifted the visa requirement for all Bulgarian and Romanian citizens**. Full visa reciprocity has thus been achieved with Canada.

The Commission will continue to urge the **United States** to further cooperate, in the spirit of the **Joint Statement** adopted in June 2017, with the **five Member States concerned and the Commission** to accelerate progress towards full visa reciprocity. This should lead to intensified and concrete action on all sides. The Joint Statement confirmed commitments, such as preserving and expanding visa-free travel between the EU and the United States and stepping up efforts to improve cooperation with a view to assist Bulgaria, Croatia, Cyprus, Poland and Romania in advancing more rapidly towards the fulfilment of the requirements for the Visa Waiver Program.

The Commission also continues to consider that the adoption of a delegated act temporarily suspending the visa waiver for U.S. citizens would be counterproductive at this moment and would not serve to achieve the objective of visa-free travel for all EU citizens to the United States.

Assessment on effectiveness of the reciprocity mechanism: the Commission recognises the progress achieved since the adoption of the **revised mechanism**. Although this progress cannot solely be attributed to the mechanism, it does establish an instrument that allows for collective and coordinated EU action in non-reciprocity cases, and it is considered to have proven to be a useful tool towards some third countries.

Despite some procedural shortcomings, the mechanism has helped resolve the vast majority of cases of non-reciprocity over the past two and a half years. At this point in time, **the Commission is not considering to bring forward a legislative proposal for the revision of the mechanism**.

The Commission remains committed to working closely with the European Parliament and the Council on the way forward. It will report on the further developments to the European Parliament and the Council at the latest by autumn 2018.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 28/09/2000

The Council has instructed the Permanent Representatives Committee to finalise the text of the Regulation relating to visa requirements and exemption for third country nationals. It should be added that European Parliament must be consulted again.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 04/12/2000 - Amended legislative proposal for reconsultation

With regard to visa requirements and exemption for third country nationals, the proposed Council regulation for re-consultation states the following: - the determination of those third countries whose nationals are subject to the visa requirement, and those exempt from it, is governed by a considered, case-by-case assessment of a variety of criteria relating inter alia, to illegal immigration, public policy and security, and the European Union's external relations with third countries, consideration also being given to the implications of regional coherence and reciprocity; - provision should be made for a Community mechanism enabling this principle of reciprocity to be implemented if one of the third countries included in Annex II to the proposed Regulation decides to make the nationals of one or more Member States subject to visa obligation; - as regards stateless persons and recognised refugees, the decision as to the visa requirement or exemption should be based on the third country in which these persons reside and which issued their travel document. However, given the differences in the national legislation applicable to stateless persons and to recognised refugees, Member States may decide whether these categories of persons shall be subject to the visa requirement, where the third country in which these persons reside and which issued their travel documents is a third country whose nationals are exempt from the visa requirement; - in specific cases where special visa rules are warranted, Member States may exempt certain categories of persons from the visa requirement or impose it on them in accordance with public international law or custom; - the conditions governing entry into the territory of the Member States or the issue of visas do not affect the rules currently governing recognition of the validity of travel documents; - finally, the application of the exemption from the visa requirement for nationals of certain third countries, which are listed in Annex II, will come into force only later. To this end, the Council will take a decision for each of those countries on the basis of reports drawn up by the Commission.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 15/03/2001 - Final act

PURPOSE : to adopt a Council Regulation on a list of third countries whose nationals must have a visa when entering the European Union and those countries whose nationals do not need a visa. COMMUNITY MEASURE : Council Regulation 539/2001/EC 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. CONTENT : visa policy is given a legal base by the Treaty of Amsterdam. The law as it stands is based on Council Regulations and the Schengen acquis. The regulation stipulates that the Member States will be precluded from unilaterally determining the visa rules for any third country at all. They do, however, have the possibility of providing for certain derogations and exceptions applicable to certain categories of persons, notably on the grounds of international law or custom. The regulation mentions the issue of variable geometry applying to Denmark, the United Kingdom and Ireland. The proposal refers to visas for no longer than three months. Moreover, the regulation does not apply, inter alia, to long-stay visas and airport transit visas; nor does it determine the procedures and conditions for issuing visas. There are special provisions relating to stateless persons. The countries subject to visa requirements are listed in Annex I and those exempt are listed in Annex II. It should be noted that Bulgaria has been placed in Annex II i.e. the visa requirement will be lifted once the Regulation comes into force. Similarly, the Hong Kong and Macao SARs are in Annex II. Romania has also been placed in Annex II, but with an asterisk, to specify that the lifting of the visa requirement will be decided on subsequently by the Council on the basis of a report to be drawn up by the Commission. To this end, the Commission will ask Romania to indicate which undertakings it is prepared to enter into on illegal immigration and illegal residence, including the repatriation of persons from that country who are illegally resident. The Commission will present a first report to the Council, accompanied by any useful recommendations, no later than 30 June 2001. ENTRY INTO FORCE : the Regulation shall enter into force on 27.03.2001.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 01/03/2001 - Text adopted by Parliament after reconsultation

The European Parliament adopted the report by Mr Klaus-Heiner LEHNE (EPP/ED, D). (Please refer to the previous document).

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 19/10/2009

Council Regulation (EC) No 539/2001 of 15 March 2001, listing the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (Annex 1 to the Regulation, the "negative list") and those whose nationals are exempt from that requirement (Annex II to the Regulation, the "positive list"), as amended by Council Regulation (EC) No 851/2005, is the basic instrument of our common visa policy, providing a reciprocity mechanism for cases where a third country on the positive list maintains or introduces a visa requirement for the citizens of one or more Member States.

The previous reports provided a description of the reciprocity mechanism and the state of play of non-reciprocity during the respective periods covered.

The notifications by Member States in the framework of the new reciprocity mechanism showed that by June 2005 13 third countries were notified with 75 cases in total. Following their accession to the European Union on 1 January 2007, Bulgaria and Romania notified seven third countries with which a situation of non-reciprocity was in place.

The 4th visa reciprocity report of July 2008 showed that a situation of non-reciprocity still existed with eight third countries from the positive list. The report was presented to the JHA Council on 24 July 2008 and was well received by Member States. Member States were generally optimistic in achieving full visa reciprocity.

The **present 5th reciprocity report** takes stock of the efforts made by the Commission since July 2008. As detailed below, full visa reciprocity has been achieved with three additional third countries while five third countries on the positive list continue to require visas from nationals of one or more Member States.

Conclusions: the Commission considers that since the last report of 23 July 2008, the new visa reciprocity mechanism has once more proved to be effective. Out of the eight third countries on the positive list which required visas from citizens of one or more Member States at the time of the previous report, only five third countries now continue to do so. Full visa reciprocity has been achieved with **Japan**, **Panama** and **Singapore**.

Furthermore, significant progress has been achieved with **Australia and the U.S.** Regarding Australia, the introduction of the eVisitors system has brought about equal treatment of the citizens of all Member States and Schengen associated countries. The Commission will be in a position to determine whether full visa reciprocity has been achieved only once the assessment of the eVisitors system has been completed.

As regards the U.S, seven additional Member States have joined the VWP. Nevertheless, the situation is still far from satisfactory and the Commission will pursue discussions with the U.S. in order to secure early inclusion of the remaining five Member States in the VWP. With regard to the U.S. ESTA, the **Commission deplores the passage of legislation introducing a fee for the use of the ESTA for the benefit of the U.S. travel and tourism industry**. This tax on foreigners would be a retrograde and counter-productive step and could lead to the determination that the ESTA is tantamount to the Schengen visa application process with very serious potential consequences for U.S. travellers to Europe.

With regard to **Brunei Darussalam**, the Commission will closely follow the internal discussions in Brunei Darussalam and continue consultations with Brunei Darussalam authorities in order to achieve a 90 day visa waiver for all Member States.

Regarding Brazil, the **Commission welcomes the agreement reached on the draft text of the short-stay visa waiver agreement** for holders of ordinary passports and expects to achieve an agreement soon on the short-stay visa waiver agreement for holders of diplomatic, service or official passports. The Commission hopes that Brazil will be able to ratify both agreements through their internal procedures as soon as possible.

Regarding **Canada**, the Commission will continue to pursue discussions with Canada in order to achieve progress towards the lifting of the visa requirements for Bulgaria and Romania.

In accordance with Article 1(5) of Council Regulation (EC) No 539/2001, as amended by Council Regulation (EC) No 851/2005, the Commission will again report to the Council and the European Parliament no later than **30 June 2010**.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 05/11/2010 - Follow-up document

Council Regulation (EC) No 539/2001 of 15 March 2001, listing the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (Annex 1 to the Regulation, the "negative list") and those whose nationals are exempt from that requirement (Annex II to the Regulation, the "positive list"), is the basic instrument of our common visa policy, providing a reciprocity mechanism for cases where a third country on the positive list maintains or introduces a visa requirement for the citizens of one or more Member States.

The first four reports showed gradual progress achieved in solving non-reciprocity issues. The fifth visa reciprocity report of 19 October 2009 showed that only five third countries on the positive list still continued to require visas from citizens of one or more Member States.

On the same date, the Commission adopted an ad-hoc report on the re-imposition of the visa requirement by Canada for Czech citizens. For the first time a third country on the positive list had re-imposed a visa requirement for citizens of a Member State since the introduction of the new visa reciprocity mechanism in 2005. The Commission concluded that unless Canada were to take positive steps towards facilitating formalities for Czech citizens wishing to visit Canada and setting out a path of measures towards the restoration of visa-free travel for them by the end of 2009, the Commission would recommend imposing or re-imposing a visa requirement for certain categories of Canadian citizens.

The **present sixth visa reciprocity report** takes stock of the results of the efforts made since 19 October 2009.

Main conclusions: the implementation of the new visa reciprocity mechanism established in 2005 through Council Regulation (EC) No 851/2005 can be considered as satisfactory.

Australia and Japan now provide equal treatment of citizens of all Member States but final determination of full visa reciprocity awaits respectively further assessment of the eVisitor system and the permanent visa waiver for Romania.

With **Brazil** the European Union will sign very soon two visa waiver agreements – one on ordinary passport holders, the other on holders of diplomatic, service or official passports – which will ensure visa reciprocity. The Commission will endeavour an early ratification of these agreements by the European Union and monitor ratification by the Brazilian side.

Only a very limited number of "non reciprocity" cases subsist, two of which have specific characteristics:

- **Brunei-Darussalam** grants all EU citizens a visa waiver, but it is valid only for 30 days, renewable twice for 30 days; the Commission will continue efforts to establish full reciprocity although the current situation does not lead to problems for EU citizens;
- **Canada** has re-introduced the visa requirement for Czech citizens, in 2010 Canada has adopted a reform of its asylum system and agreed to review the visa regime with the Czech Republic before the new Canadian asylum legislation is implemented in the end of 2011. The Czech Republic is fully cooperating with Canada on agreed path of measures supporting this process. The steps indicated by Canada with a goal to review the visa regime with the Czech Republic will be closely monitored by the Commission, in particular, the prompt and appropriate follow-up by Canada of its data-gathering mission to the Czech Republic expected to take place before the end of 2010. In case of a positive assessment the Commission expects Canada to lift visa obligation for Czech citizens.
- When addressing the other remaining cases of non-reciprocity, i.e. as regards the **U.S**. (visa requirement for Bulgaria, Cyprus, Romania and Poland) and **Canada** (visa requirement for Bulgaria and Romania), the **EU is confronted with the limits of its reciprocity mechanism as set out in the current acquis**. In these cases indeed Member States are considered by third countries not to meet objective criteria for visa waiver set out unilaterally by these third countries in their domestic legislation (e.g. not issuing biometric passports, not meeting thresholds set for visa refusal and/or overstay rates).

The Commission will continue to raise these issues at all relevant occasions and in all appropriate fora with the third countries concerned. At the same time, the Commission invites the European Parliament, the Council and the Member States to reflect on how to further address these cases of non-reciprocity.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 30/11/2000

The Council reached political agreement on the contents of the Regulation listing the third countries whose nationals must be in possession of visas when crossing the external borders of the European Union and those whose nationals are exempt from that requirement. In particular, the Council reached unanimous agreement in favour of the inclusion : - of Bulgaria in the white list, i.e. the visa requirement will be lifted once the Regulation comes into force; - of Romania in the white list, but with an asterisk, to specify that the lifting of the visa requirement will be decided on subsequently by the Council on the basis of a report to be drawn up by the Commission. To this end, the Commission will ask Romania to indicate which undertakings it is prepared to enter into on illegal immigration and illegal residence, including the repatriation of persons from that country who are illegally resident. The Commission will present a first report to the Council, accompanied by any useful recommendations, no later than 30 June 2001. The Council accompanied its agreement with several statements to be entered in the minutes, which are set out below and concern Bulgaria, Romania, Hong Kong and Macao (for these two Special Administrative Regions of the People's Republic of China, the Council requested the conclusion of bilateral readmission agreements. The Council agreed to hold fresh consultations with the European Parliament, since the initial text of the Commission proposal has been substantially amended.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 05/07/2000 - Text adopted by Parliament, 1st reading/single reading

The European Parliament has adopted, under the consultation procedure, the report drafted by Mr Klaus-Heiner LEHNE (EPP/ED, D) on the proposal for a Council regulation establishing a list of countries whose nationals are subject to a visa requirement in order to cross the external frontiers and a list of those whose nationals are exempt from this requirement. The report substantially approves the Commission proposal. The new regulation, which will replace regulation 574/1999, establishes a list of third countries whose nationals are subject to a visa requirement for planned visits of no more than three months duration. The new text proposed by the Commission sets out to achieve total harmonisation by drawing up, alongside this first list, a list of countries whose nationals are exempt from the requirement to be in possession of a visa when crossing the European Union's external borders. In addition, to minimise the restrictions of movement it is essential that the procedure and conditions for issuing visas by Member States are as smooth and simple as possible and do not cause unreasonable expenditure for the applicants. It should also be noted that a Member State may exempt from the visa requirement young people who take part in the EU youth programmes. This Regulation shall not affect Member States' powers concerning the recognition of states and territorial units or of passports and travel and identity documents issued by the authorities of the latter.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 03/10/2006

PURPOSE: to present a report from the Commission on cases where visa waiver non-reciprocity is maintained by certain third countries.

CONTENT: Council Regulation 539/2001/EC of 15 March 2001 is at the heart of the common EU visa policy, listing the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (Annex I to the Regulation, the “negative list”) and those whose nationals are exempt from that requirement (Annex II to the Regulation, the “positive list”).

It was substantially modified by Regulation 851/2005/EC of 2 June 2005, which introduced a new reciprocity mechanism (CNS/2004/0141). The aim of the new mechanism is to establish through appropriate measures reciprocity towards third countries still requiring a visa from citizens of certain Member States for stays of less than 90 days while the Community does not apply such visa requirements towards the citizens of those third countries.

Regulation 851/2005/EC allows the visa requirement to be introduced provisionally vis-à-vis the countries concerned. In addition, a joint declaration made by the Council and the Commission when Regulation 851/2005/EC was adopted refers to the possibility of taking other provisional measures, particularly in the political, economic and commercial fields.

Pursuant to Regulation 851/2005/EC and in the light of notifications by Member States of cases of non-reciprocity, the Commission on 10 January 2006 presented a report to the Council on visa waiver reciprocity with certain third countries (COM(2006)3). This report described the Commission’s approaches towards the countries on the positive list that continued to require a visa from Member State nationals and listed the results obtained.

In view of the progress achieved, the Commission concluded that there was no need at that stage to include with the report a proposal for temporary restoration of the visa requirement or for measures such as those contained in the Council and Commission joint declaration. However, for the purposes of the second report, the Commission stated that it would monitor whether the solutions announced by certain third countries had been put into practice and whether further dialogue with others had opened up the prospect of reciprocal visa-free travel.

In its conclusions of 21 February 2006, the Council endorsed the Commission’s analysis and urged it to strengthen its efforts with the United States, Canada and Australia and to monitor progress with the other third countries concerned.

With particular regard to Australia, Canada and the United States, the Commission organised a technical meeting on 23 March 2006 with representatives of the Member States concerned in order to assess the state of the dialogue between them and the three third countries in question and the results of the dialogue. That meeting took place in advance of the high-level contacts scheduled between the Commission and the authorities of the three countries over the following weeks.

Full reciprocity is now in place in Uruguay and Costa Rica. Steps are still being taken by Brazil and Malaysia with a view to achieving reciprocity. In Paraguay, Singapore and Brunei, the solution of the non-reciprocity problem has been announced but is yet to be put into practice.

Main conclusions: the Commission considers that the dialogue with third countries under the new reciprocity mechanism has already proven effective. The steady and significant fall in the number of “non-reciprocity situations” (cases where a third country maintains a visa requirement for nationals of a Member State) is a remarkable success in the Commission's opinion. However, progress remains stalled with one third country (United States) while the situation is evolving with regard to Australia, Canada and Brunei. The future developments with these countries will determine the reflection on the appropriate approach that would allow for further and concrete progress towards the realisation of reciprocity.

In view of the importance of achieving full reciprocity, the Commission hereby announces its intention to report to the European Parliament and Council again by not later than 31.03.2007 and to make, where appropriate, concrete proposals if the non-reciprocity situations persist, although formally, under Article 1(5) of the EC Regulation, it is not obliged to present such a report until 30.06.2008.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 23/07/2008 - Follow-up document

Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (Annex I to the Regulation, the “negative list”) and those whose nationals are exempt from that requirement (Annex II to the Regulation, the “positive list”), as amended by Council Regulation (EC) No 851/2005, is the basic instrument of common visa policy, providing also a reciprocity mechanism for cases where a third country on the positive list maintains or introduces a visa obligation for the citizens of one or more Member States.

In its third report in 2007 (refer to the follow-up document of the procedure file CNS/2004/0141), the Commission concluded that dialogue with third countries under the new reciprocity mechanism has proven effective. Full reciprocity was achieved with New Zealand and Mexico. Significant progress was achieved in dialogue with Australia. Furthermore, a comprehensive visa waiver agreement should soon be negotiated with Brazil. However, with regard to Canada and the United States of America (USA) it was concluded that little progress had been made. If this continued to be the case, appropriate retaliatory measures could be considered.

This **fourth report** takes stock of the approaches made by the Commission since September 2007 vis-à-vis third countries on the positive list which continue to require visas from nationals of one or more Member States.

The Commission considers that since the last report of 13 September 2007 the dialogue with third countries under the new reciprocity mechanism has once again proven effective. Further full visa reciprocity has been achieved with three third countries (Israel, Malaysia and Paraguay). Furthermore, the Commission has achieved significant progress in the dialogue with Canada, for which only Bulgaria and Romania remain under the visa obligation. In the dialogue with Australia the Commission has achieved access for all Member States to the "autogrant facility" and equal treatment for the nationals of all Member States from October 2008. Nevertheless, the implementation of the Australian eVisitors system will be monitored carefully. The negotiations for a short-stay visa waiver agreement between the European Community and Brazil have started, in order to achieve full visa reciprocity with Brazil.

No progress has been achieved with Japan, Panama, Singapore and the USA. On Singapore, the Commission regrets that a three month visa free stay for the citizens of the EU has not been granted, while Singaporean citizens enjoy a "three months within six months" visa-free stay in the EU. Furthermore the Commission observes that there is no indication that the visa waiver for the EU citizens will reach the level of the three countries enjoying a preferential treatment. (Australia, South Korea and the United States of America enjoy a preferential 90 day stay in Singapore. The Commission suggests that retaliatory measures should be introduced if within a reasonable time no full reciprocity has been achieved.

Regarding the **USA**, despite all efforts of the Commission and individual Member States and the promises by the USA to bring additional EU Member States in the VWP this year, **no tangible progress has been made**. The visa requirement is maintained for nationals of Bulgaria, the Czech Republic, Estonia, Greece, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania and Slovakia.

Therefore, the Commission will propose retaliatory measures e.g. temporary restoration of the visa requirement for U.S. nationals holding diplomatic and service/official passports – as from 1 January 2009 if no progress has been achieved. With regard to the U.S. ESTA (Electronic System for Travel Authorization), the Commission will prepare a preliminary assessment on whether the travel authorization under the ESTA is tantamount to a visa requirement or not. It will publish a final assessment once the Final Rule is published in the Federal Register i.e. 60 days before its entry into force.

In view of the importance of achieving full reciprocity, the Commission hereby announces its intention to report to the European Parliament and Council again by not later than 30 June 2009, although formally, under Article 1(5) of Council Regulation (EC) No 851/2005, it is not obliged to present such a report until 30 June 2010.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 19/10/2009

The Commission presents a **special report** to the Council on the re-introduction of the visa requirement by Canada for citizens of the Czech Republic.

On 14 July 2009, in accordance with Article 1(4)(a) of Council Regulation (EC) No 539/2001, as amended by Council Regulation (EC) No 851/2005, the Czech Republic has notified the Commission and the Council that as of 14 July 2009 **Canada unilaterally applies the visa regime to nationals of the**

Czech Republic. This notification has been published in the Official Journal on 6 August 2009, which means that in accordance with Article 1(4)(c) of Council Regulation (EC) No 539/2001, as amended by Council Regulation (EC) No 851/2005, the Commission shall report to the Council within 90 days from this date of publication; therefore, by 6 November 2009.

This report takes stock of the steps taken by the Commission following this notification.

The reimposition of the visa requirement of 14 July 2009: Canada had lifted the visa requirement for nationals of the Czech Republic on 31 October 2007. On 13 July 2009, the Canadian authorities informed the Czech authorities through several channels, including a formal Diplomatic Note, that the visa requirement would be reintroduced for Czech nationals as from the next day. On the same day Canada also introduced the visa requirement for Mexican nationals. Also in this case, the main reason was the large number of refugee claims from Mexico, making it the number one source country for refugee claims in Canada.

The rising numbers of Czech refugee claimants – **most of them are of Roma origin** – in Canada has been discussed repeatedly at meetings between Canadian and Czech authorities since the lifting of the visa requirement on 1 November 2007, and in particular in the run-up to the reintroduction of the visa requirement on 14 July 2009.

Steps taken after the reimposition of the visa requirement: on 20 July 2009, the Czech Republic notified the Commission and the Council that, in accordance with Article 4(1)(a) of Council Regulation (EC) No 539/2001, **the Czech Republic has imposed the visa requirement for holders of Canadian diplomatic and service passports as from 16 July 2009**.

Following the reintroduction of the visa requirement, the Commission consulted both the Czech and Canadian authorities regularly on the issue. Furthermore, the Commission accompanied a Czech delegation for consultations with Canadian authorities in Ottawa on 10 September 2009. In addition, the issue was discussed at the EU-Canada Ministerial Troika in Ottawa on 1 October 2009.

Assessement: this is the first time that a third country has re-imposed a visa requirement for citizens of a Member State. The Commission considers that this **highly regrettable situation** should be brought to an end as soon as possible. Canada is aware that the European Union's common visa policy is based on the principle of reciprocity. It is particularly unsatisfactory that Czech citizens are not able to obtain visas at the Canadian embassy in Prague. The Commission acknowledges that Canada provides several visa process facilitations to Czech citizens in the Czech Republic but calls upon Canada to return to the previous situation regarding the visa issuance process for Czech citizens by reinstating visa issuing facilities in the Czech Republic.

The Commission welcomes the willingness of all sides to engage in a dialogue and encourages Canada and the Czech Republic to continue their consultations in the framework of a Canada-Czech Republic Experts Working Group to address all issues in relation to the re-imposition of the visa requirement; e.g. for Canada to **clarify its asylum system** and the immigration violations by Czech travellers, and for the Czech Republic to clarify the implementation of its programmes and policies regarding minorities and in particular Roma communities. The Commission calls upon Canada to set out clearly a path of measures it intends to take to lift the visa requirement for Czech citizens in the near future.

The Commission notes that the Czech Republic has decided to require visas for holders of Canadian diplomatic and service passports. Unless the measures mentioned in the previous paragraphs are established, in a satisfactory manner, by the end of 2009 the **Commission will recommend imposing or re-imposing a visa requirement for certain categories of Canadian citizens** (holders of diplomatic and service passports).

Conclusions: although Canada provides several visa process facilitations to Czech citizens in the Czech Republic, pending restoration of visa-free travel for Czech citizens the Commission calls upon Canada to return to the previous state regarding the visa issuance process for Czech citizens by reinstating visa issuing facilities in the Czech Republic. The Commission encourages Canada and the Czech Republic to continue their consultations in the framework of a Canada-Czech Republic Experts Working Group to address all issues in relation to the re-imposition of the visa requirement, and reiterates its readiness to facilitate and participate in those discussions. The Commission calls upon Canada to set out clearly the measures it intends to take to lift the visa requirement for Czech citizens in the near future. Furthermore the Commission will recommend imposing or re-imposing a visa requirement for certain categories of Canadian citizens, unless Canada takes positive steps towards facilitating formalities for Czech citizens wishing to visit Canada and setting out a path towards the restoration of visa-free travel for them.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 26/01/2000 - Legislative proposal

PURPOSE : To present a proposal for a Council Regulation on a list of third countries whose nationals must have a visa when entering the European Union and those countries whose nationals do not need a visa. CONTENT : visa policy is given a legal base by the Treaty of Amsterdam. The law as it stands is based on Council Regulations and the Schengen acquis. Once the regulation is adopted, the Member States will be precluded from unilaterally determining the visa rules for any third country at all. They do, however, have the possibility of providing for certain derogations and exceptions applicable to certain categories of persons, notably on the grounds of international law or custom. The proposal mentions the issue of variable geometry applying to Denmark, the United Kingdom and Ireland. The proposal refers to visas for no longer than three months. The proposed regulation does not apply, inter alia, to long-stay visas and airport transit visas; nor does it determine the procedures and conditions for issuing visas. There are special provisions relating to stateless persons. The countries subject to visa requirements are listed in Annex I and those exempt are listed in Annex II. It should be noted that Bulgaria and Romania have moved from Annex I to II. Similarly, the Hong Kong and Macao SARs are in Annex II.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

2000/0030(CNS) - 21/09/2000 - Modified legislative proposal

The Commission is presenting this amended proposal for a Regulation both in response to Parliament's legislative resolution of 5 July 2000 and to take account of the work done so far on the proposal within the Council. The proposed amendments relate in particular to : - the addition of a recital which should clarify the links between the provisions of this Regulation and other existing provisions or instruments. The Commission could not agree to the inclusion of such clarifications in the form of articles; - the inclusion of a recital concerning reciprocity; - the inclusion of a recital to clarify the position of Iceland and Norway in respect of the Regulation; - the proposed addition of the phrase "for stays of no more than three months", this is intended to fill the gap left in the original proposal; - put in place a reciprocal mechanism making it possible to react against any third country that might reimpose a visa requirement on nationals of a Member State. Other amendments aim to clarify certain aspects of the Regulation, and moreover, aim to make the wording compatible with the Schengen acquis and to avoid any contradiction with other existing provisions elsewhere.