Basic information

2004/0141(CNS) CNS - Consultation procedure Regulation	Procedure completed
Visas: nationals of a Member State, reciprocity mechanism to be used by a third country on the list in Annex II Amending Regulation (EC) No 539/2001 2000/0030(CNS) **Subject** 7.10.04 External borders crossing and controls, visas	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	LAX Henrik (ALDE)	13/09/2004

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	DE SARNEZ Marielle (ALDE)	29/09/2004
DEVE Development	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	2664	2005-06-02
Justice and Home Affairs (JHA)	2642	2005-02-24

European Commission

Commission DG	Commissioner
Justice and Consumers	

Key events

Date	Event	Reference	Summary
07/07/2004	Legislative proposal published	COM(2004)0437	Summary
15/09/2004	Committee referral announced in Parliament		
24/02/2005	Debate in Council		

16/03/2005	Vote in committee		Summary
21/03/2005	Committee report tabled for plenary, 1st reading/single reading	A6-0065/2005	
27/04/2005	Debate in Parliament		
28/04/2005	Decision by Parliament	T6-0148/2005	Summary
28/04/2005	Results of vote in Parliament		
02/06/2005	Act adopted by Council after consultation of Parliament		
02/06/2005	End of procedure in Parliament		
04/06/2005	Final act published in Official Journal		

Technical information

Procedure reference	2004/0141(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 539/2001 2000/0030(CNS)
Legal basis	EC Treaty (after Amsterdam) EC 062-p2
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/6/22506

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	AFET	PE349.929	15/03/2005	
Committee report tabled for plenary, 1st reading/single reading		A6-0065/2005	21/03/2005	
Text adopted by Parliament, 1st reading/single reading		T6-0148/2005 OJ C 045 23.02.2006, p. 0016-0099 E	28/04/2005	Summary

Council of the EU

Document type	Reference	Date	Summary
Council statement on its position	10624/2005 OJ C 172 12.07.2005, p. 0001-0001	28/06/2005	Summary

European Commission

Document type	Reference	Date	Summary

Legislative proposal	COM(2004)0437	07/07/2004	Summary
Commission response to text adopted in plenary	SP(2005)2124	19/05/2005	
Follow-up document	COM(2006)0568	03/10/2006	Summary
Follow-up document	COM(2007)0533	13/09/2007	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(2012)0681	26/11/2012	Summary

Additional information		
Source	**Document**	**Date**
European Commission	EUR-Lex	

Final act	
Regulation 2005/0851 OJ L 141 04.06.2005, p. 0003-0005	Summary

Visas: nationals of a Member State, reciprocity mechanism to be used by a third country on the list in Annex II

2004/0141(CNS) - 02/06/2005 - Final act

PURPOSE: the amendment of Regulation 539/2001/EC regarding the reciprocity mechanism in visa arrangements.

LEGISLATIVE ACT: Council Regulation 851/2005/EC.

CONTENT: The Council adopted a Regulation amending Regulation 539/2001/EC by a qualified majority, with Poland and the Czech Republic voting against. The Regulation lists the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States, and those whose nationals are exempt from that requirement as regards the reciprocity mechanism.

The mechanism provided for in Regulation 539/2001/EC has proved unsuitable for dealing with situations of non-reciprocity in which a third country maintains or introduces a visa requirement for nationals from one or more Member States, so that the mechanism needs to be adapted to make it effective.

The list of third countries is unchanged from that in Regulation 539/2001/EC.

ENTRY INTO FORCE: 24/06/2005.

Visas: nationals of a Member State, reciprocity mechanism to be used by a third country on the list in Annex II

2004/0141(CNS) - 28/04/2005 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a resolution drafted by Henrik LAX (ALDE, FI)and made some amendments to the proposal. (Please refer to the summary of 16/03/2005.) Parliament wanted the reciprocity mechanism also to apply where a third country introduces conditions or procedures the effect of which is substantially to limit the movement of nationals of a Member State. Parliament has also inserted a clause requiring the Commission to re-examine any proposal to temporarily impose a visa requirement upon request from the Parliament.

It went on to set a deadline of two months within which the Commission can table a proposal after presenting an initial report.

Visas: nationals of a Member State, reciprocity mechanism to be used by a third country on the list in Annex II

2004/0141(CNS) - 13/09/2007 - Follow-up document

This is the third annual report prepared by the Commission for the European Parliament and Council on certain third countries' maintenance of visa requirements in breach of the principle of reciprocity. It has been prepared in accordance with provisions set out in Council Regulation (EC) No 539 /2001.

To recall, Regulation (EC) No 539/2001 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 in Annex I (the "negative" list) and those whose nationals are exempt from that requirement in Annex II (the "positive" list). It was substantially modified by Regulation 851/2005 in June 2005, which introduced a new reciprocity mechanism, the aim of which is to establish reciprocity towards third countries while 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.

In its second annual report prepared in October 2006, the Commission concluded that the new reciprocity mechanism had proven to be effective (a remarkable success) resulting in a steady and significant fall in the number of "non-reciprocity situations" – the exception being with the United States. As such, the Commission announced that it would prepare a report by 31 March 2007 and, where appropriate, put forward concrete proposals should the non-reciprocity situation persist. A position, which was later endorsed by the Council. This third report, takes stock of the Commission's approach vis-à-vis third countries on the positive list but which continue to require visas from nationals of the Member States. The main findings of the report are as follows:

The Commission finds that dialogue with third countries under the new reciprocity mechanism has proven to be effective. Since its establishment in June 2005 (in little more than two years) full visa reciprocity has been achieved or is in the process of being achieved with a number of important third countries. This in spite of challenges arising from the accession of Bulgaria and Romania to the EU. For example, New Zealand and Mexico have abolished visa requirements for Bulgaria and Romania in less than six months from the entry of these two Member States to the EU.

The Commission has also achieved significant progress in dialogue with Australia, which is expected to treat equally all Member States' citizens starting from mid-2008. A comprehensive visa waiver agreement will soon be negotiated with Brazil.

As far as the United States is concerned, the adoption of new legislation modifying the VWP should pave the way for its extension to all EU Member States. Now that this legislation has been adopted, its conditions and the timeline for its implementation will be carefully examined by the Commission. The Commission, however, still reserves the right to propose retaliatory measures if expected progress towards full visa reciprocity fails to materialise in good time.

Canada has agreed to make its visa review process more transparent and provide more information on thresholds. However, for the moment no progress has been made in lifting visa requirements. The Commission, therefore, proposes that to demonstrate its commitment, Canada should lift visa requirement for one or more EU Member States by the end of the year to show further tangible progress toward reciprocity in the first half of 2008. Failing such progress, appropriate steps could be considered against Canada.

The fourth annual report will prepared by the Commission not later than 30 June 2008.

Visas: nationals of a Member State, reciprocity mechanism to be used by a third country on the list in Annex II

2004/0141(CNS) - 07/07/2004 - Legislative proposal

PURPOSE : to amend Regulation 539/2001/EC regarding the reciprocity mechanism in visa arrangements.

PROPOSED ACT : Council Regulation.

CONTENT : Article 1(4) of Regulation 539/2001/EC contains a reciprocity mechanism to be used for the establishment by a third country on the list in Annex II to the Regulation (positive list) of a visa requirement for nationals of a Member State. The mechanism provides, on the request of the "victim" Member State, for a joint response consisting of a series of successive stages. This mechanism has proved unsuitable for dealing with certain situations of non-reciprocity.

Three years after the entry into force of the Regulation, the reciprocity mechanism has never been applied. The Commission examines the reasons for this in the proposal and concludes that the mechanism is too rigid. Because it is virtually automatic, the second stage (provisional introduction by all Member States of a visa requirement for the third country in question) discourages Member States from invoking the mechanism lest they help to

cause a major crisis either in external relations with the third country concerned or internally. The mechanism's second stage can be blocked only by a Council decision taken by a qualified majority. In the scheme of the reciprocity mechanism, the taking of such a decision can only be regarded as a refusal by the Member States to act in solidarity with the Member State concerned.

The proposal, basically, seeks to introduce an operational mechanism that is more flexible and more realistic, and hence likely to be used. The current mechanism, since it fails to recognise the political dimension of reciprocity, has been too maximalist and too fraught with political risk to play a useful role. It blindly emphasises reprisal, completely ignoring the diplomatic approach, even though none of the criteria for determining the positive and negative lists has absolute value; those lists are determined "by a considered, case-by-case assessment of a variety of criteria relating inter alia to illegal immigration, public policy and security, and to the European Union's external relations with third countries, consideration also being given to the implications of regional coherence and reciprocity".

To ensure that the third country in question again applies visa-free travel to nationals of the Member States concerned, a mechanism is proposed which will combine measures at variable levels and intensities that can be rapidly carried out. The Commission will take steps with the third country without delay, report to the Council and will be able at any moment to propose that the Council adopt a provisional decision restoring the visa requirement for nationals of the third country in question. Resorting to such a provisional decision will not make it impossible to transfer the third country in question to Annex I of Regulation 539/2001/EC. A decision by a third country to introduce or reintroduce visa-free travel for nationals of one or more Member States will automatically terminate the provisional restoration of a visa requirement decided by the Council.

Visas: nationals of a Member State, reciprocity mechanism to be used by a third country on the list in Annex II

2004/0141(CNS) - 03/10/2006 - Follow-up document

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.

Visas: nationals of a Member State, reciprocity mechanism to be used by a third country on the list in Annex II

2004/0141(CNS) - 28/06/2005 - Council statement on its position

The Council has published a statement on Council Regulation 851/2005/EC amending Regulation 539/2001/EC as regards the reciprocity mechanism.

The Council and the Commission stress that the mechanism which is the subject of this Regulation, accompanied where necessary by provisional introduction of the visa requirement for a third country which imposes a visa requirement for nationals from one or more Member States, in no way prevents the application of other provisional measures to such a third country in one or more other fields (particularly political, economic or commercial fields) in accordance with the relevant legal basis or bases in the Treaties if such measures would be deemed an advisable part of the strategy to be implemented to induce the third country to restore visa-free travel for nationals from the Member State or States concerned. The Council and the Commission consider that, when one or other of the notifications provided for in Articles 1 and 2 of this Regulation occurs, due consideration should be given in the appropriate fora to the advisability of such other measures.

Visas: nationals of a Member State, reciprocity mechanism to be used by a third country on the list in Annex II

2004/0141(CNS) - 19/10/2009 - Follow-up document

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.

Visas: nationals of a Member State, reciprocity mechanism to be used by a third country on the list in Annex II

2004/0141(CNS) - 19/10/2009 - 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"), 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**.

Visas: nationals of a Member State, reciprocity mechanism to be used by a third country on the list in Annex II

2004/0141(CNS) - 26/11/2012 - Follow-up document

This “Seventh report on certain third countries’ maintenance of visa requirements in breach of the principle of reciprocity” has been drawn up by the European Commission in accordance with Council Regulation (EC) 851/2005 amending Council Regulation (EC) 539/2001. Regulation (EC) 539/2001 lists the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (‘negative’ list), and those whose nationals are exempt from that requirement as regards the reciprocity mechanism (‘positive’ list)

In the framework of this mechanism, where a third country on the positive list introduces a visa requirement for citizens of one or more Member States, the Commission must take steps to obtain the restoration of the visa-free travel by the third country concerned and it must provide a **report** to the Council which may be accompanied by a proposal on the temporary restoration of the visa requirement for nationals of the third country concerned. In addition, the Commission must provide bi-annual reports to the European Parliament and the Council on the situation of non-reciprocity which may be accompanied by appropriate proposals, if necessary.

The previous six regular visa reciprocity reports adopted by the Commission show that **the current reciprocity mechanism has proven to be quite efficient** and that only a very limited number of "non-reciprocity cases" continue to exist.

In this Seventh report, the Commission states that it is pleased that in the context of the implementation of the current visa reciprocity mechanism, **full visa reciprocity was achieved or is within reach with further third countries**:

- full visa reciprocity was achieved for all Member States with **Brunei Darussalam**, further to the decision adopted by the authorities of Brunei Darussalam to extend the visa waiver to 90 days; since 15 October 2012, citizens of Iceland, Norway and Switzerland also enjoy a 90-day visa-free stay in Brunei Darussalam. The Commission will now request the authorities of Brunei Darussalam to extend the visa waiver to 90 days also for citizens of Liechtenstein;

- the **EU-Brazil short stay visa waiver agreement** for ordinary passport holders entered into force on 1 October 2012, enabling the citizens of all Member States to travel visa-free to Brazil;

- the Commission welcomes the **decision by the Japanese authorities to extend the temporary visa waiver granted for Romanian citizens until 31 December 2012** and expects that, further to the implementation of specific measures to be agreed between Romania and Japan, the temporary visa waiver will be converted by Japan into a permanent one.

As regards the **U.S.**, the proposed new draft Visa Waiver Program (VWP) legislation, if adopted, could open the way for additional Member States to join the VWP and thus achieve further substantial progress towards full visa reciprocity with the U.S.

As regards the re-introduction by **Canada** of a visa requirement for Czech citizens, the Commission regrets that Canada did not provide to the Commission its report on the data gathering visit to the Czech Republic until now and thus it has *de facto* hindered the cooperation in the framework of the Czech-Canada experts' working group.

The Commission is looking forward to the adoption by the European Parliament and the Council of its 2011 proposal to amend Regulation amending Regulation 539/2001, which aims, *inter alia*, to establish a new, more efficient reciprocity mechanism. Once adopted, both the few remaining and any new cases of non-reciprocity will be examined and acted upon by the Commission in accordance with this revised reciprocity mechanism.