Basic information

2008/2550(RSP) RSP - Resolutions on topical subjects	Procedure completed
Resolution on negotiations between the European Union and the United States with regard to visa exemptions (visa waiver) **Subject** 6.40.11 Relations with industrialised countries 7.10.04 External borders crossing and controls, visas **Geographical area** United States	

Key players

Council of the European Union	Council configuration	Meetings	Date
	Justice and Home Affairs (JHA)	2863	2008-04-18
European Commission	Commission DG	Commissioner	
	Justice and Consumers	BARROT Jacques	

Key events

Date	Event	Reference	Summary
18/04/2008	Resolution/conclusions adopted by Council		
23/04/2008	Debate in Parliament		Summary
22/05/2008	Decision by Parliament	T6-0230/2008	Summary
22/05/2008	Results of vote in Parliament		
22/05/2008	End of procedure in Parliament		

Technical information

Procedure reference	2008/2550(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Resolution on statement
Legal basis	Rules of Procedure EP 136-p2
Stage reached in procedure	Procedure completed

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Motion for a resolution		B6-0233/2008	22/05/2008	
Text adopted by Parliament, topical subjects		T6-0230/2008	22/05/2008	Summary

Resolution on negotiations between the European Union and the United States with regard to visa exemptions (visa waiver)

2008/2550(RSP) - 22/05/2008 - Text adopted by Parliament, topical subjects

Following the debate held on 23 April 2008 on this issue, the European Parliament adopted by 511 votes to 29, with 7 abstentions, a resolution proposed by the Committee on Civil Liberties, Justice and Home Affairs, on the negotiations between the European Union and the United States with regard to visa exemptions (visa waiver).

The Parliament recalls that, since 2001, the Council has exempted US citizens from the visa requirement whereas, unfortunately, a comparable exemption does not apply to all EU citizens, as the US still maintains the visa requirement for nationals of Bulgaria, Cyprus, the Czech Republic, Estonia, Greece, Hungary, Latvia, Lithuania, Malta, Poland, Romania and Slovakia.

The Parliament notes that, since 2005, a reciprocity mechanism may be activated at Community level following a notification from a Member State of the non reciprocity of certain measures, and the Council may then decide on 'a temporary restoration of the visa requirement for nationals of the third country in question'. It notes, in this respect, that even if reciprocity has been reached with several third countries, this is still not the case with the US, which led the Commission to propose temporarily restoring the visa requirement for certain US nationals, in order to expedite progress towards reciprocity.

The situation became further complicated following the adoption of a law creating a partnership for secure travel and the fight against terrorism, entitled the 'Secure Travel and Counterterrorism Partnership Act of 2007'. The US thus reformed its visa waiver regime by adding seven security enhancements so as to require all Member States wishing to be part of the visa waiver programme (VWP) to agree to sign a bilateral Memorandum of Understanding (MoU) and its binding implementing rules, some of which fall within the Community's competence, some within the EU's competence and the remainder within the exclusive competence of each Member State.

In order for all the Member States to participate in the reformed US visa waiver regime in 2009, the Council decided on a two-tier approach on 18 April 2008 by:

1. giving the Commission a formal mandate to negotiate with the US on all Community-related issues;
2. adopting the 'red lines' that the Member States must respect in their dialogue with the US before the conclusion of the EC/US negotiations. These 'red lines' outline what falls within EC/EU competence and what, since it falls within national competence, may be negotiated bilaterally.

The US recognised for the first time the Community's competence to negotiate international visa policy agreements by agreeing to follow the 'twin track' approach proposed by the Council.

In this context, the US should from now on negotiate:

- with the Commission on visa matters;
- with the Council on EU policies on security-related matters (PNR Agreement or EU-US agreements on extradition and mutual legal assistance);
- with the Member States on the presence of air marshals on transatlantic flights and on security-related issues in so far as they relate to their own nationals, under the same conditions.

Overall, the Parliament endorses the mandate given by the Council to the Commission to negotiate an agreement securing visa waivers for all EU citizens entering the territory of the US, such as already apply to US citizens entering the territory of the EU. It also considers that negotiations should be concluded before June 2009 and that, by then, no discrimination should be allowed between EU citizens.

The Parliament shares the view that the Council's 'red lines' should be followed by the Member States and stresses the fact that:

- participation in the VWP should create as soon as possible the same rights for all citizens of the Member States, in terms of the status of their passports;
- any access for the US to EU/EC databases or information systems should be prohibited unless expressly permitted by EC law;

- the granting of access should only be allowed as far as it is in line with the specific purpose of the EU information systems and in compliance with the criteria set forth in the relevant EU data protection instruments;
- any extension to Interpol of the reporting of data on lost and stolen passports should be commonly agreed by the EU.

At the same time, the Parliament asks that: (i) airport security, in accordance with International Civil Aviation Organization (ICAO) standards, be sufficiently guaranteed by the existing EC rules; (ii) any formal agreement on repatriation of EU citizens be acceptable only on the basis of reciprocity, and be negotiated and concluded between the EC and the US; (iii) obligations relating to the possible introduction of an electronic system for travel authorisations for US citizens travelling to the EU be negotiated by the EC.