Basic information

2010/0192(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Visas: third countries whose nationals are subject to or exempt from a visa requirement 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	DÍAZ DE MERA GARCÍA CONSUEGRA Agustín (PPE)	02/09/2010

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	KOVATCHEV Andrey (PPE)	15/09/2010

Council of the European Union

Council configuration	Meetings	Date
Competitiveness (Internal Market, Industry, Research and Space)	3049	2010-11-25

European Commission

Commission DG	Commissioner
Human Resources and Security	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
05/07/2010	Legislative proposal published	COM(2010)0358	Summary
08/07/2010	Committee referral announced in Parliament, 1st reading		
26/10/2010	Vote in committee, 1st reading		Summary
28/10/2010	Committee report tabled for plenary, 1st reading	A7-0294/2010	
10/11/2010	Debate in Parliament		

11/11/2010	Decision by Parliament, 1st reading	T7-0394/2010	Summary
11/11/2010	Results of vote in Parliament		
25/11/2010	Act adopted by Council after Parliament's 1st reading		
15/12/2010	Final act signed		
15/12/2010	End of procedure in Parliament		
22/12/2010	Final act published in Official Journal		

Technical information

Procedure reference	2010/0192(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 539/2001 2000/0030(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/03373

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE449.019	01/10/2010	
Committee opinion	AFET	PE448.928	06/10/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0294/2010	28/10/2010	
Text adopted by Parliament, 1st reading/single reading		T7-0394/2010	11/11/2010	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00055/2010/LEX	15/12/2010	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2010)0358	05/07/2010	Summary
Commission response to text adopted in plenary	SP(2011)610	26/01/2011	

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Regulation 2010/1211 OJ L 339 22.12.2010, p. 0006	Summary

Visas: third countries whose nationals are subject to or exempt from a visa requirement

2010/0192(COD) - 05/07/2010 - Legislative proposal

PURPOSE: to delete Taiwan and Northern Mariana Islands from Annex I of Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

BACKGROUND: Council Regulation (EC) No 539/2001 lays down the list of third countries whose national must be in possession of visas when crossing the external borders ("negative list") and those whose national are exempt from that requirement ("positive list"). The determination of those third countries or territories whose citizens 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, among other things, to illegal immigration, public policy and security, and to the European Union's external relations with third countries or territories. Consideration is also given to the implications of regional coherence and reciprocity, and particular attention is paid to the security of travel documents issued by the third countries or territories concerned.

As the criteria set out in Regulation (EC) No 539/2001 can evolve over time in relation to third countries or territories, the composition of the negative and positive lists should be reviewed regularly. The present review of the Regulation aims at:

- ensure that the composition of the lists of third countries and territories complies with the criteria set out in recital 5 of the Regulation, in particular as regards the illegal immigration and public policy criteria and the external relations criterion, and transferring countries from one annex to another as appropriate;
- ensure that, in accordance with Article 77 (2) (a) of the TFEU, the Regulation determines exhaustively whether a third-country or territory citizen is to be subject to or exempt from the visa requirement.

As a result, a new modified version of Regulation (EC) No 239/2001 is proposed in order to include a certain number of states in the Regulation's positive and negative lists.

IMPACT ASSESSMENT: no impact assessment was undertaken.

LEGAL BASE: Article 77 (2) (a) of the TFEU.

CONTENT: in accordance with the approach followed in the context of previous amendments to Regulation (EC) No. 539/2001, it is proposed to:

- **transfer Taiwan to the positive list:** despite the fact that the EU does not recognise Taiwan as a sovereign state and has no diplomatic or formal relations with Taiwan, the EU has developed regular contacts and cooperation in a number of areas with the Taiwanese authorities. As a result, the EU is the largest foreign investor in Taiwan. Upon analysis, it became apparent that transferring Taiwan to the positive list would reinforce regional coherence as the EU grants visa free regime to other countries and entities of the region. As regards migration, the risk of illegal immigration from Taiwan is very low On that basis, imposing a visa requirement on the nationals of Taiwan is no longer justified;
- **transfer of the Northern Mariana Islands to the positive list**: the Northern Mariana Islands are a commonwealth in political union with the United States of America, and the head of the state of Northern Mariana is the president of the United States. The citizens of the Islands have US passports. Following from the above information, the reference to the Northern Mariana Islands should be deleted from Annex I. This will entail that the citizens of the Northern Mariana Islands, as US nationals, enjoy visa-free travel.

Lastly, it should be noted that the draft Regulation proposes a new Part 4 under Annex II : this is entitled "Entities and territorial authorities that are not recognised as States by at least one Member State," and the list is comprised of Taiwan.

BUDGETARY IMPACT : the proposal has no impact on the EU's budget.

Visas: third countries whose nationals are subject to or exempt from a visa requirement

2010/0192(COD) - 11/11/2010 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 559 votes to 40, with 13 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement.

The European Parliament adopted its position at first reading under the ordinary legislative procedure (former co-decision procedure) which amends the Commission proposal with one technical amendment.

Although it fully supports the transfer of Taiwan to the common list of third countries the nationals of which are exempted from the visa requirement, Parliament states that the exemption from the visa requirement applies only to holders of passports issued by Taiwan which include an identity card number.

Visas: third countries whose nationals are subject to or exempt from a visa requirement

2010/0192(COD) - 15/12/2010 - Final act

PURPOSE: to delete Taiwan and Northern Mariana Islands from Annex I of Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement.

LEGISLATIVE ACT: Regulation (EU) No 1211/2010 of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 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: following an agreement at first reading with the European Parliament, the Council adopted this Regulation deleting Taiwan and Northern Marina Islands from the list of third countries whose nationals must be in possession of visas when crossing the external borders of the EU.

The Regulation states that the imposition of the visa requirement on the citizens of Taiwan is no longer justified, as, in particular, the territory does not represent any risk of illegal immigration or threat to public policy for the Union. Visa liberalisation will apply only to holders of passports issued by Taiwan which include an identity card number.

The reference to Northern Mariana is deleted from Annex I, as the citizens of the territory in question are, as holders of US passports, citizens of the United States, which is listed in Annex II to that Regulation.

Accordingly, Taiwanese holding passports which include an identity card number will be able to travel to and throughout the Schengen area without a visa.

The visa free regime concerns stays of up to 90 days. The visa waiver granted to Taiwanese is fully reciprocated. Taiwan decided on 11 November 2010 to lift the visa requirement for citizens of Bulgaria, Cyprus and Romania, the remaining three EU Schengen Member States whose citizens had not profited from visa free travels to Taiwan yet.

The visa waiver is implemented despite the fact that the EU does not recognise Taiwan as a sovereign state and has no diplomatic or formal relations with Taiwan. The EU has, however, developed regular contacts and cooperation in economic, trade, research, science and technology, education and culture as well as environmental issues with the Taiwanese authorities. As a result, the EU is the largest foreign investor in Taiwan. Granting Taiwanese visa free access to the EU will reinforce regional coherence as the EU grants visa free regime to other countries and entities of the region having a similar level of economic development, such as Hong Kong, Macao, Japan, South Korea and Singapore.

ENTRY INTO FORCE: 11/01/2011.