Basic information

2015/0056(NLE) NLE - Non-legislative enactments	Procedure completed
EU/Samoa Agreement: short-stay visa waiver **Subject** 6.40.09 Relations with Oceanian countries 7.10.04 External borders crossing and controls, visas **Geographical area** Samoa	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	GABRIEL Mariya (PPE)	13/04/2015
	Shadow rapporteur GUILLAUME Sylvie (S&D) STEVENS Helga (ECR) MICHEL Louis (ALDE) VERGIAT Marie-Christine (GUE/NGL) VALERO Bodil (Verts/ALE)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	The committee decided not to give an opinion.	

Council of the European Union

Council configuration	Meetings	Date
Foreign Affairs	3384	2015-05-07
Economic and Financial Affairs ECOFIN	3445	2016-02-12

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
05/03/2015	Preparatory document	COM(2015)0108	Summary
28/04/2015	Legislative proposal published	07195/2015	Summary
08/06/2015	Committee referral announced in Parliament		
10/11/2015	Vote in committee		
16/11/2015	Committee report tabled for plenary, 1st reading/single reading	A8-0320/2015	Summary
15/12/2015	Decision by Parliament	T8-0428/2015	Summary
15/12/2015	Results of vote in Parliament		
12/02/2016	Act adopted by Council after consultation of Parliament		
12/02/2016	End of procedure in Parliament		
27/02/2016	Final act published in Official Journal		

Technical information

Procedure reference	2015/0056(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 218-p6a 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/8/02990

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE560.850	08/09/2015	
Committee report tabled for plenary, 1st reading/single reading		A8-0320/2015	16/11/2015	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0428/2015	15/12/2015	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	07127/2015	28/04/2015	
Legislative proposal	07195/2015	28/04/2015	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2015)0107	05/03/2015	
Preparatory document	COM(2015)0108	05/03/2015	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2016/0274
OJ L 052 27.02.2016, p. 0015 Summary

EU/Samoa Agreement: short-stay visa waiver

2015/0056(NLE) - 16/11/2015 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Mariya GABRIEL (EPP, BG) on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Independent State of Samoa on the short-stay visa waiver.

The committee recommended the European Parliament to **give its consent** to the conclusion of the Agreement.

To recall, the Agreement signed on 28 May 2015 provides for **visa-free travel** for the citizens of the European Union and for the citizens of Samoa when travelling to the territory of the other Contracting Party for **a maximum period of 90 days in any 180-day period**. The visa waiver covers all categories of persons (ordinary, diplomatic, service/official and special passport holders) travelling for all kinds of purposes, except for the purpose of carrying out a paid activity.

The report is accompanied by a short justification stating that this Agreement on the waiver of short-stay visas simultaneously represents a culmination of the **deepening of relations** between the European Union and the Independent State of Samoa – which is politically highly significant in the context of the Cotonou Agreement – and is an **additional way of stepping up economic and cultural relations** and intensifying political dialogue on various issues, including human rights and fundamental freedoms.

- **Samoa's economy**, Samoa has one of the most dynamic economies of all the Pacific islands. Two thirds of the work force are employed in agriculture, which accounts for 90% of exports. The EU is currently negotiating Comprehensive Economic Partnership Agreements with 14 Pacific countries, including Samoa. Generally speaking, trade and investment between the European Union and the Pacific countries remain weak both as regards their value and in relative terms, but they have strong potential for development. The visa waiver agreement could in particular have a positive impact on investment and on the development of tourism.
- **As regards the political situation**, Samoa has been a stable parliamentary democracy since it gained independence in 1962. Fundamental rights and freedoms are protected by the Constitution and generally respected in practice. The Union's political dialogue with Samoa focuses, on the one hand, on environmental issues and climate change and, on the other hand, on human rights and gender equality. This agreement will create additional opportunities to intensify cooperation with regard to human rights, including gender violence and domestic violence.
- **With regard to mobility**, the rate of refusal of visas being low. Most migrants currently make the United States their destination, while very few of them go to the European Union. The country does not present any threat in terms either of irregular migration or of security and public policy. Given that no EU Member State has a **Consulate** in Samoa, the visa waiver will constitute a definite advantage for travel to the European Union for purposes of tourism or business.

As regards the **implementation and monitoring of the agreement**, the rapporteur:

- called on the Commission to observe any developments in relation to the **criteria** regarding clandestine immigration, public policy and security, including, considerations relating to human rights and fundamental freedoms;
- urged the Commission and the authorities of Samoa to ensure **full reciprocity of the visa waiver**, which should permit equal treatment of all citizens, particularly all citizens of the Union;
- encouraged the Commission to **review the composition of the joint management committees** for future agreements to enable the European Parliament to be involved in the work of these committees.

Lastly, the rapporteur also queried the practice of signing visa waiver agreements and applying them provisionally before the European Parliament has approved them, a practice which is liable to reduce Parliament's room for manoeuvre.

EU/Samoa Agreement: short-stay visa waiver

2015/0056(NLE) - 28/04/2015 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union and the Independent State of Samoa on the short-stay visa waiver.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: the Commission negotiated on behalf of the European Union an agreement with Samoa on the short-stay visa waiver.

In accordance with a Council Decision, the Agreement has been signed and is applied on a provisional basis.

It is now necessary to approve the Agreement on behalf of the EU.

CONTENT: the Council is invited to approve the Agreement between the European Union and the Independent State of Samoa on the short-stay visa waiver.

For further details of the Agreement, *please refer to the summary of the initial legislative proposal dated 5.3.2015*.

Territorial provisions: the provisions of the future Agreement shall not apply to the United Kingdom and Ireland.

The Agreement sets up a **Joint Committee of experts** for the management of the Agreement. The Union is to be represented within that Joint Committee by the Commission, which should be assisted by the representatives of the Member States.

EU/Samoa Agreement: short-stay visa waiver

2015/0056(NLE) - 05/03/2015 - Preparatory document

PURPOSE: to conclude the Agreement between the European Union and Samoa on the short-stay visa waiver.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Regulation (EU) No 509/2014 of the European Parliament and of the Council amended 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 and those whose nationals are exempt from that requirement. The Regulation was adopted on 20 May 2014 and entered into force on 9 June 2014.

In July 2014, the Commission presented a Recommendation to the Council to authorise it to start **negotiations on visa waiver agreements with each of the following 17 countries**: Dominica, Grenada, Kiribati, Marshall Islands, Micronesia, Nauru, Palau, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, the United Arab Emirates and Vanuatu. On 9 October 2014, the Council addressed negotiating directives to the Commission.

The negotiations on the visa waiver agreement with Samoa were opened on 19 November 2014 in Brussels. **The agreement was initialled by the chief negotiators on 15 December 2014**. The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft visa waiver agreement is acceptable to the Union.

CONTENT: the Commission proposes that the Council **approve the Agreement between the European Union andSamoa on the short-stay visa waiver**.

The content of the agreement may be summarised as follows:

Purpose and duration of stay: the agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Samoa when travelling to the territory of the other Contracting Party for a **maximum period of 90 days in any 180-day period**.

The agreement takes into account the situation of the Member States that do not yet apply the Schengen acquis in full. As long as they are not part of the Schengen area without internal borders, the visa waiver confers a right for the nationals of Samoa to stay for 90 days in any 180-day on the territory of each of those Member States (Bulgaria, Croatia, Cyprus and Romania), independently of the period calculated for the whole Schengen area.

A provision has been included in the agreement stating that Samoa may suspend or terminate the agreement only in respect of all the Member States of the European Union and that the Union may also only suspend or terminate the agreement in respect of all of its Member States.

Scope: the visa waiver covers **all categories of persons** (ordinary, diplomatic, service/official and special passport holders) travelling for all kinds of purposes, **except for the purpose of carrying out a paid activity**. For this latter category, each Member State and also Samoa remain free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Union or national law.

The Member States and Samoa reserve the right to refuse entry into and short stay in their territories if one or more of these conditions are not met.

Territorial application: in the case of France and the Netherlands, the visa waiver would entitle nationals of Samoa to stay only in those Member States' European territories.

The provisions of the Agreement do not apply to the United Kingdom and Ireland.

The Agreement establishes a **Joint Committee** for the management of the Agreement, which shall adopt its rules of procedure.

EU/Samoa Agreement: short-stay visa waiver

2015/0056(NLE) - 12/02/2016 - Final act

PURPOSE: to conclude the Agreement between the European Union and Samoa on the short-stay visa waiver.

LEGISLATIVE ACT: Council Decision (EU) 2016/274 on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Independent State of Samoa on the short-stay visa waiver.

CONTENT: under this Decision, **the Agreement between the European Union and Samoa** on the short-stay visa waiver is approved on behalf of the Union.

To recall, the Commission negotiated on behalf of the European Union an agreement with Samoa on the short-stay visa waiver. The Agreement has been signed and is applied on a provisional basis as from 28 May 2015.

The Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Samoa when travelling to the territory of the other Contracting Party for a **maximum period of 90 days in any 180-day period**. A joint statement on the interpretation of this duration of 90 days is annexed to the Agreement.

The visa waiver covers all categories of persons (ordinary, diplomatic, service/official and special passport holders) travelling for all kinds of purposes, **except for the purpose of carrying out a paid activity**. For this latter category, each Member State and also Samoa remain free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Union or national law.

The Member States and Samoa reserve the right to refuse entry into and short stay in their territories **if one or more of these conditions are not met**.

The Agreement sets up a **Joint Committee of experts** for the management of the Agreement. The Union is to be represented within that Joint Committee by the Commission, which should be assisted by the representatives of the Member States.

This Decision constitutes a development of the provisions of the Schengen acquis in which **Ireland and the United Kingdom do not take part**. Therefore, these two countries are not bound by it or subject to its application.

ENTRY INTO FORCE: 12.2.2016.

EU/Samoa Agreement: short-stay visa waiver

2015/0056(NLE) - 05/03/2015

PURPOSE: to conclude the Agreement between the European Union and Samoa on the short-stay visa waiver.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: Regulation (EU) No 509/2014 of the European Parliament and of the Council amended 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 and those whose nationals are exempt from that requirement. The Regulation was adopted on 20 May 2014 and entered into force on 9 June 2014.

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CONTENT: the Commission proposes that the Council **approve the Agreement between the European Union andSamoa on the short-stay visa waiver**.

The content of the agreement may be summarised as follows:

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A provision has been included in the agreement stating that Samoa may suspend or terminate the agreement only in respect of all the Member States of the European Union and that the Union may also only suspend or terminate the agreement in respect of all of its Member States.

Scope: the visa waiver covers **all categories of persons** (ordinary, diplomatic, service/official and special passport holders) travelling for all kinds of purposes, **except for the purpose of carrying out a paid activity**. For this latter category, each Member State and also Samoa remain free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Union or national law.

The Member States and Samoa reserve the right to refuse entry into and short stay in their territories if one or more of these conditions are not met.

Territorial application: in the case of France and the Netherlands, the visa waiver would entitle nationals of Samoa to stay only in those Member States' European territories.

The provisions of the Agreement do not apply to the United Kingdom and Ireland.

The Agreement establishes a **Joint Committee** for the management of the Agreement, which shall adopt its rules of procedure.

EU/Samoa Agreement: short-stay visa waiver

2015/0056(NLE) - 15/12/2015 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 571 votes to 64 with 24 abstentions, a legislative resolution on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Independent State of Samoa on the short-stay visa waiver.

Following the recommendation of its Committee on Civil Liberties, Justice and Home Affairs, Parliament **gave its consent** to the conclusion of the Agreement.

The Agreement provides for **visa-free travel** for the citizens of the European Union and for the citizens of Samoa when travelling to the territory of the other Contracting Party for a **maximum period of 90 days in any 180-day period**. The visa waiver covers all categories of persons (ordinary, diplomatic, service/official and special passport holders) travelling for all kinds of purposes, except for the purpose of carrying out a paid activity.