Basic information

2015/0193(NLE) NLE - Non-legislative enactments	Procedure completed
EU/Palau Agreement: short-stay visa waiver **Subject** 6.40.09 Relations with Oceanian countries 7.10.04 External borders crossing and controls, visas **Geographical area** Palau	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	GABRIEL Mariya (PPE)	26/10/2015
	Shadow rapporteur GUILLAUME Sylvie (S&D) STEVENS Helga (ECR) MICHEL Louis (ALDE) HYUSMENOVA Filiz (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
General Affairs	3484	2016-09-20

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
14/09/2015	Preparatory document	COM(2015)0430	Summary
21/10/2015	Legislative proposal published	12080/2015	Summary
17/12/2015	Committee referral announced in Parliament		
09/05/2016	Vote in committee		
18/05/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0177/2016	Summary
08/06/2016	Decision by Parliament	T8-0254/2016	Summary
08/06/2016	Results of vote in Parliament		
20/09/2016	Act adopted by Council after consultation of Parliament		
20/09/2016	End of procedure in Parliament		
30/09/2016	Final act published in Official Journal		

Technical information

Procedure reference	2015/0193(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/04511

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE573.185	29/02/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0177/2016	18/05/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0254/2016	08/06/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	12077/2015	20/10/2015	
Legislative proposal	12080/2015	21/10/2015	Summary

European Commission			
Document type	**Reference**	**Date**	**Summary**
Preparatory document	COM(2015)0430	14/09/2015	Summary
Document attached to the procedure	COM(2015)0431	14/09/2015	

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

Final act	
Decision 2016/1741 OJ L 264 30.09.2016, p. 0021	Summary

EU/Palau Agreement: short-stay visa waiver

2015/0193(NLE) - 14/09/2015

PURPOSE: to conclude the Agreement between the European Union and the Republic of Palau 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 with Palau were opened on 17 December 2014 and conducted by exchange of letters. During further exchanges agreement was reached on all aspects. **The agreement was initialled by an exchange of letters between the chief negotiators on 27 May 2015 (Palau) and 10 June 2015 (Union)**.

The Commission considered 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 and the Republic of Palau 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 Palau when travelling to the territory of the other Contracting Party **for a maximum period of 90 days in any 180-day period**.

In order to safeguard equal treatment of all EU citizens, a provision has been included in the agreement stating that Palau 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.

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 Palau 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.

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 Palau remain free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Union or national law.

In order to ensure harmonised implementation, a joint declaration is attached to the agreement on the interpretation of the category of persons travelling for the purpose of carrying out a paid activity.

Territorial application: in the case of France and the Netherlands, the visa waiver would entitle nationals of Palau 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/Palau Agreement: short-stay visa waiver

2015/0193(NLE) - 18/05/2016 - 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 Republic of Palau on the short-stay visa waiver.

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

To recall, the Agreement signed on 7 December 2015 provides for visa-free travel for the citizens of the European Union and for the citizens of Palau 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 stipulating that this Agreement on the waiver of short-stay visas constitutes simultaneously represents a culmination of the deepening of relations between the European Union and Palau 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.

On an economic level, the Agreement could have positive effects by simplifying travel for businesspeople, facilitating investment and boosting tourism. Palau's economy is based primarily on the service sector, which accounts for 86 % of GDP, with a booming tourism sector, thanks also to the increase of the number of flights serving the island. Palau has one of the highest standards of living of the Pacific.

As regards investment and trade relations, these are currently unstable and low in terms of value and value and in relative terms, they have strong potential for development. The EU is currently negotiating Comprehensive Economic Partnership Agreements with 14 Pacific countries, including Palau. Fishing, shellfish farming and tourism represent key development sector.

On a political level, Palau is a democratic republic completely committed to human rights, which are guaranteed under the Constitution. It has adopted legislation specifically relating to human trafficking and has become a member of the International Labour Organisation. The current political dialogue between the EU and Palau is focused on human rights and gender equality, and both parties are discussing how to collaborate more closely on these issues.

With regard to mobility, the information available indicates that confidence in visa applicants from Palau is high and that few visa applications are rejected, the rate of refusal of visas being low. In 2014, no nationals of Palau were arrested in the EU for being illegally resident, refused entry at the EU border or returned. No asylum applications were lodged by citizens of Palau. The country does not present any threat in terms either of irregular migration or of security and public policy.

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

- called on the Commission to observe any developments in relation to the criteria on clandestine immigration, public policy and security, but also the Union's external relations with the third countries concerned including, in particular, considerations relating to respect for human rights and fundamental freedoms;
- called on the Commission and the authorities of Palau 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 in order for the European Parliament to be involved in the work of the Joint Committee.

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

EU/Palau Agreement: short-stay visa waiver

2015/0193(NLE) - 21/10/2015 - Legislative proposal

PURPOSE: to conclude, on behalf of the European Union, of the Agreement between the European Union and the Republic of Palau 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 has negotiated on behalf of the European Union an agreement with the Republic of Palau on the short-stay visa waiver.

The Agreement and the Protocol were signed in accordance with a Council Decision and apply on a provisional basis.

The Agreement and the Protocol should now be approved.

CONTENT: the draft Council decision aims to **approve the Agreement between the European Union and the Republic of Palau on the short-stay visa waiver on behalf of the Union.**

The Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Palau when travelling to the territory of the other Contracting Party for a **maximum period of 90 days in any 180-day period.**

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.

The provisions of the Agreement do not apply to the **United Kingdom or to 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/Palau Agreement: short-stay visa waiver

2015/0193(NLE) - 14/09/2015 - Preparatory document

PURPOSE: to conclude the Agreement between the European Union and the Republic of Palau 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 with Palau were opened on 17 December 2014 and conducted by exchange of letters. During further exchanges agreement was reached on all aspects. **The agreement was initialled by an exchange of letters between the chief negotiators on 27 May 2015 (Palau) and 10 June 2015 (Union)**.

The Commission considered 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 and the Republic of Palau 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 Palau when travelling to the territory of the other Contracting Party **for a maximum period of 90 days in any 180-day period**.

In order to safeguard equal treatment of all EU citizens, a provision has been included in the agreement stating that Palau 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.

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 Palau 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.

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 Palau remain free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Union or national law.

In order to ensure harmonised implementation, a joint declaration is attached to the agreement on the interpretation of the category of persons travelling for the purpose of carrying out a paid activity.

Territorial application: in the case of France and the Netherlands, the visa waiver would entitle nationals of Palau 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/Palau Agreement: short-stay visa waiver

2015/0193(NLE) - 20/09/2016 - Final act

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

NON-LEGISLATIVE ACT: Council Decision (EU) 2016/1741 on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Palau on the short--stay visa waiver.

CONTENT: with this Decision, **the Agreement between the European Union and Palau 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 Palau on the short-stay visa waiver. This Agreement was signed and is applied on a provisional basis since 8 December 2015.

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

The visa waiver covers all categories of persons (holders of ordinary, diplomatic, service/official and special passports) travelling for all kinds of purposes, except for the purpose of **carrying out a paid activity**.

For this latter category, each Member State and Palau remain free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Union or national law. In order to ensure harmonised implementation, a joint declaration is attached to the agreement on the interpretation of the category of persons travelling for the purpose of carrying out a paid activity.

The Member States and Palau reserve the right to refuse entry into and short stay in their territories if one or more of these conditions is 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 the United Kingdom and Ireland do not take part. Therefore, these two countries are not bound by it or subject to its application.

ENTRY INTO FORCE: 20.9.2016.

EU/Palau Agreement: short-stay visa waiver

2015/0193(NLE) - 08/06/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 587 votes to 50 with 20 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 Republic of Palau on the short-stay visa waiver.

In line with the recommendation made by the 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 Palau 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 provisions of the Agreement shall not apply to the United Kingdom or Ireland.