Basic information

2015/0199(NLE) NLE - Non-legislative enactments	Procedure completed
EU/Peru Agreement: short-stay visa waiver **Subject** 6.40.10 Relations with Latin America, Central America, Caribbean islands 7.10.04 External borders crossing and controls, visas **Geographical area** Peru	

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) HYUSMENOVA Filiz (ALDE) 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
General Affairs	3484	2016-09-20
Justice and Home Affairs (JHA)	3455	2016-03-10

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
14/09/2015	Preparatory document	COM(2015)0439	Summary
07/03/2016	Legislative proposal published	12099/2015	Summary
10/03/2016	Act adopted by Council after consultation of Parliament		
14/04/2016	Committee referral announced in Parliament		
24/05/2016	Vote in committee		
02/06/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0197/2016	Summary
05/07/2016	Decision by Parliament	T8-0295/2016	Summary
05/07/2016	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	2015/0199(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/8/04502

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE573.186	13/04/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0197/2016	02/06/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0295/2016	05/07/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	12097/2015	04/03/2015	

Legislative proposal	12099/2015	07/03/2016	Summary

European Commission

Document type	Reference	Date	Summary
Document attached to the procedure	COM(2015)0437	14/09/2015	
Preparatory document	COM(2015)0439	14/09/2015	Summary

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2016/1744
OJ L 264 30.09.2016, p. 0027 Summary

EU/Peru Agreement: short-stay visa waiver

2015/0199(NLE) - 02/06/2016 - 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 Peru 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 14 March 2016 and applied provisionally pending the consent of the European Parliament - provides for visa-free travel for the citizens of the European Union and for the citizens of Peru 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 which states that the agreement marks a significant milestone in the deepening of relations between the European Union and Peru 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 will boost tourism and help to intensify trade and investment relations. Peru has recorded one of the highest rates of economic growth in Latin America (5% in 2013, 2.4% in 2014). The EU is the Peru's third-largest trade partner in terms of imports (mainly machinery and transport equipment) and the principal destination of its exports (agri-food and mining products). Furthermore, the EU continues to be the biggest investor in Peru, accounting for over 50% of total foreign direct investment in sectors such as the extractive industries, banking and finance.

As regards the political and institutional situation, Peru is a relatively stable democracy which, like the European Union, upholds the values and principles of democracy, good governance, respect for human rights and the rule of law. The agreement will make it possible to pursue a balanced, regular, in-depth political dialogue on human rights and on specific issues such as the situation of women.

On the question of mobility, data on entry refusals, arrests and returns shows that irregular migration has been a risk factor in recent years in the case of Peru. At the same time, however, a marked improvement regarding the situation has been observed The vast majority of Schengen visa applicants were granted short-stay visas, the rejection rate being around 6.1% in 2014 and 3.0% in 2015. In addition, 43% of applicants were granted multiple-entry visas in 2014. These figures reflect the Member States' increased trust in the applicants. The agreement also contains a joint declaration on cooperation on illegal immigration, in which the EU and Peru stress their commitment regarding the readmission of their irregular migrants.

Peru may also become a key partner in the **fight against organised crime**, including drug trafficking and human trafficking, which can be important areas of cooperation.

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, and 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 Peru 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 so that the European Parliament may be involved in the work of the Joint Committee.

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/Peru Agreement: short-stay visa waiver

2015/0199(NLE) - 05/07/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 611 votes to 59, with 21 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 Peru on the short-stay visa waiver.

In line with the recommendation made by the Committee on Civil Liberties, Justice and Home Affairs, the European 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 Peru 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.

EU/Peru Agreement: short-stay visa waiver

2015/0199(NLE) - 20/09/2016 - Final act

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

NON-LEGISLATIVE ACT: Council Decision (EU) 2016/1744 on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Peru on the short-stay visa waiver.

CONTENT: with this Decision, **the Agreement between the European Union and Peru 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 Peru on the short-stay visa waiver. This Agreement was signed in 2015 and is applied on a provisional basis as from 15 March 2016.

The agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Peru 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 also Peru 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 Peru 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/Peru Agreement: short-stay visa waiver

2015/0199(NLE) - 14/09/2015

PURPOSE: to conclude the Agreement between the European Union and the Republic of Peru 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.

Regulation (EU) No 509/2014 **transferred 19 countries to Annex II, which lists the third countries whose nationals are exempt from the visa requirement**. Those 19 countries are: Colombia, Dominica, Grenada, Kiribati, Marshall Islands, Micronesia, Nauru, Palau, Peru, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, the United Arab Emirates and Vanuatu.

Colombia and Peru were, according to Recital 5 of Regulation (EU) No 509/2014 and the joint declaration issued at the time of adoption, s**ubject to a specific procedure which required a further assessment of those countries against the relevant criteria**, before the Commission could present to the Council recommendations for decisions authorising the opening of negotiations on visa waiver agreements with those two countries.

In October 2014, the Commission adopted a report broadly assessing the situation of Peru. The Commission concluded that the significant improvement of the Peruvian economic and social situation in recent years **provided justification that Peruvians should be granted visa-free access to the Member States' territory**. In addition, the visa waiver agreement contains the necessary safeguards to suspend or terminate the agreement should this be required to avoid security or migration risks for the Union.

In March 2015, the Commission presented a Recommendation to the Council to authorise it to start negotiations on visa waiver agreements with Colombia and Peru. On 19 May 2015, the Council addressed negotiating directives to the Commission. The negotiations with Peru were opened on 20 May 2015 in Brussels. **The agreement was initialled by the chief negotiators on 9 June 2015**.

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 Peru 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 Peru 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 Peru 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 Peru to stay for 90 days in any 180-day on the territory of each of those Member States (currently 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 Peru 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.

Biometric passports: the Agreement includes a number of declarations:

- on the introduction of **biometric passports** by Peru, declaring that Peru commits to issuing biometric passports by 31 December 2015 at the latest and that failure to introduce biometric/passports by that date constitutes sufficient grounds for suspension of the agreement;
- on cooperation concerning irregular migration with a commitment to conclude a **readmission agreement** upon request by either Party, in particular in case of an increase of irregular migration and in problems regarding the readmission of irregular migrants. Failure to conclude a readmission agreement upon request constitutes sufficient grounds for suspension of the agreement.

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

2015/0199(NLE) - 07/03/2016 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union and the Republic of Peru 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 Peru 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 Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Peru 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.

This Decision **constitutes a development of the provisions of the Schengen acquis**. Therefore, the provisions of the future Agreement shall not apply to Ireland or the United Kingdom.

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.

For further details on the main elements of this Agreement, please refer to the summary of the initial proposal dated from 14.09.2015.

EU/Peru Agreement: short-stay visa waiver

2015/0199(NLE) - 14/09/2015 - Preparatory document

PURPOSE: to conclude the Agreement between the European Union and the Republic of Peru 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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Territorial application: in the case of France and the Netherlands, the visa waiver would entitle nationals of Peru 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.