Basic information

2015/0200(NLE) NLE - Non-legislative enactments	Procedure completed
EU/Kiribati Agreement: short-stay visa waiver **Subject** 6.40.09 Relations with Oceanian countries 7.10.04 External borders crossing and controls, visas **Geographical area** Kiribati	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	GABRIEL Mariya (PPE)	26/10/2015

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	3517	2017-02-07

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
14/09/2015	Preparatory document	COM(2015)0438	Summary
21/10/2015	Legislative proposal published	12092/2015	Summary
07/07/2016	Committee referral announced in Parliament		
08/11/2016	Vote in committee		
15/11/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0334/2016	Summary
01/12/2016	Decision by Parliament	T8-0459/2016	Summary

01/12/2016	Results of vote in Parliament		
07/02/2017	Act adopted by Council after consultation of Parliament		
07/02/2017	End of procedure in Parliament		
11/02/2017	Final act published in Official Journal		

Technical information

Procedure reference	2015/0200(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/8/04509

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE573.183	14/09/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0334/2016	15/11/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0459/2016	01/12/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	12091/2015	20/10/2015	
Legislative proposal	12092/2015	21/10/2015	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2015)0438	14/09/2015	Summary
Document attached to the procedure	COM(2015)0440	14/09/2015	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act	
Decision 2017/0232 OJ L 036 11.02.2017, p. 0001	Summary

EU/Kiribati Agreement: short-stay visa waiver

2015/0200(NLE) - 01/12/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 567 votes to 51, 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 Republic of Kiribati 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 Kiribati 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/Kiribati Agreement: short-stay visa waiver

2015/0200(NLE) - 07/02/2017 - Final act

PURPOSE: to approve the conclusion of the Agreement between the European Union and Kiribati on the short-stay visa waiver.

NON LEGISLATIVE ACT: Council Decision (EU) 2017/232 on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Kiribati on the short-stay visa waiver

CONTENT: the Council approved **the Agreement between the European Union and Kiribati on the short-stay visa waiver**, on behalf of the Union.

To recall, the Commission negotiated on behalf of the Union an agreement with Kiribati on the short-stay visa waiver. This Agreement was signed and was provisionally applied from 24 June 2016.

The Agreement provides for **visa-free travel** for the citizens of the Union and for the citizens of Kiribati 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**.

For those travelling to carry out a paid activity, each Member State and also Kiribati remain free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Union or national law. Member States and Kiribati have reserved the right to prevent a person entering their respective territories or making a short stay there, if one or several conditions relating to short stay or entry are not fulfilled.

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 will be assisted by the representatives of the Member States.

The Decision constitutes a development of the provisions of the Schengen *acquis* in which the United Kingdom and Ireland do not take part. The latter two Member States are therefore not taking part in the adoption of the Decision and are not bound by it or subject to its application.

ENTRY INTO FORCE: 7.2.2017.

EU/Kiribati Agreement: short-stay visa waiver

2015/0200(NLE) - 15/11/2016 - 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 Kiribati on the short-stay visa waiver.

The committee recommended that Parliament **give its consent to conclusion of the agreement**.

To recall, the agreement provides for **visa-free travel** for the citizens of the European Union and for the citizens of Kiribati 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 agreement was signed on 23 June 2016 in Brussels. Since that date, the agreement has been applied provisionally.

The report is accompanied by a short justification stating that the agreement represents a culmination of the deepening of relations between the European Union and Kiribati - 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.

- **In economic terms**, the visa waiver agreement could have positive effects by simplifying travel for businesspeople, facilitating investment and boosting tourism. Kiribati's economy is largely based on agriculture, in particular fisheries, and on services, which account for 25% and 66% of GDP respectively. Investment and trade with Kiribati are currently low in terms of value and in relative terms. The EU is currently negotiating Comprehensive Economic Partnership Agreements with 14 Pacific countries, including the Republic of Kiribati.
- **Politically,** the Government of Kiribati has made significant progress in honouring its international human rights obligations and achieving internationally laid down objectives, such as the Millennium Development Goals. Among the advances made, the adoption of the 2011-2021 action plan on eliminating sexual and gender-based violence in Kiribati should be noted . Accordingly, the agreement is a positive sign of support for the country, allowing us to pursue a balanced, regular and in-depth political dialogue on these issues, which remain priorities for the EU.
- **With regard to mobility**, the data available show that the visa refusal rate for Kiribati nationals is very low. However, it is complicated for them to make visa applications because Schengen Area countries' consulates are so far away. In 2014 and 2015, no nationals of Kiribati were arrested in the EU for being in an irregular situation, refused entry at the EU border or returned. Moreover, no asylum applications were lodged by citizens of Kiribati. The country does not therefore pose any threat in terms of irregular migration, migration flows, security or public policy.

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

- called on the Commission to observe any developments in relation to issues of 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 Kiribati 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 Parliament might be involved in the work of the Joint Committee.

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

EU/Kiribati Agreement: short-stay visa waiver

2015/0200(NLE) - 14/09/2015 - Preparatory document

PURPOSE: to conclude the Agreement between the European Union and the Kingdom of Kiribati 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 Kiribati 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 6 May 2015 (Kiribati) 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 Kiribati 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 Kiribati 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 Kiribati 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 Kiribati 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 Kiribati 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 Kiribati 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/Kiribati Agreement: short-stay visa waiver

2015/0200(NLE) - 21/10/2015 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union and the Republic of Kiribati 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 which lists the third countries whose nationals must be in possession of a visa when crossing the external borders of the Member States and those whose nationals are exempt from that requirement.

The Regulation, adopted on 20 May 2014, entered into force on 9 June 2014. It is applied by all Member States, with the exception of Ireland and the United Kingdom.

In July 2014, the Commission presented a Recommendation to the Council to authorise it to start **negotiations on visa waiver agreements with 17 countries** including Kiribati.

The first series of visa waiver agreements were signed on 6 May 2015 (United Arab Emirates), 26 May 2015 (Timor-Leste) and 28 May 2015 (Dominica, Grenada, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Trinidad and Tobago and Vanuatu) and provisionally apply from the date of signature pending their entry into force.

The negotiations with Kiribati were opened on 17 December 2014. **The agreement was initialled by an exchange of letters between the chief negotiators on 6 May 2015 (Kiribati) 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 proposed that the Council adopt a decision to **approve the Agreement between the European Union and Kiribati** on the short-stay visa waiver.

The final content of it can be summarised as follows:

Purpose and duration of the Agreement: the Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Kiribati 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 of 90 days in any 180-day period is attached to the agreement.

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 Kiribati 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.

A provision has been included stating that Kiribati 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** (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 Kiribati remain free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Union or national law. 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 Kiribati to stay only in those Member States' European territories.

The provisions of the Agreement **shall not apply to the United Kingdom or Ireland**.

A joint declaration on the association of Norway, Iceland, Switzerland and Liechtenstein to the implementation, application and development of the Schengen acquis is attached to the proposal.

Lastly, the Agreement establishes a **Joint Committee** for the management of the Agreement.

EU/Kiribati Agreement: short-stay visa waiver

2015/0200(NLE) - 14/09/2015

PURPOSE: to conclude the Agreement between the European Union and the Kingdom of Kiribati 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

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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 Kiribati 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 Kiribati 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 Kiribati 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 Kiribati 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 Kiribati 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 Kiribati 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.