Basic information

2015/0201(NLE) NLE - Non-legislative enactments	Procedure completed
EU/Colombia 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** Colombia	

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

European Commission

Commission DG	Commissioner
Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
14/09/2015	Preparatory document	COM(2015)0436	Summary
21/10/2015	Legislative proposal published	12095/2015	Summary
14/12/2015	Committee referral announced in Parliament		
09/05/2016	Vote in committee		
18/05/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0178/2016	Summary
08/06/2016	Decision by Parliament	T8-0256/2016	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	2015/0201(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/8/04505

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE573.179	04/03/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0178/2016	18/05/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0256/2016	08/06/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	12094/2015	20/10/2015	
Legislative proposal	12095/2015	21/10/2015	Summary

European Commission			
Document type	**Reference**	**Date**	**Summary**
Document attached to the procedure	COM(2015)0435	14/09/2015	
Preparatory document	COM(2015)0436	14/09/2015	Summary

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

Final act	
Decision 2016/1743 OJ L 264 30.09.2016, p. 0025	Summary

EU/Colombia Agreement: short-stay visa waiver

2015/0201(NLE) - 08/06/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 584 votes to 56, with 27 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 Colombia 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 Colombia 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/Colombia Agreement: short-stay visa waiver

2015/0201(NLE) - 14/09/2015

PURPOSE: to conclude the Agreement between the European Union and the Republic of Colombia 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 Colombia. The Commission concluded that the significant improvement of the Colombian economic and social situation in recent years **provided justification that Colombians 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 Colombia 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 Colombia 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 Colombia 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 Colombia 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 Colombia 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 Colombia 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 Colombia, declaring that Colombia commits to issuing biometric passports by 31 August 2015 at the latest and that failure to introduce biometric/passports by 31 December 2015 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 Colombia 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/Colombia Agreement: short-stay visa waiver

2015/0201(NLE) - 20/09/2016 - Final act

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

NON-LEGISLATIVE ACT: Council Decision (EU) 2016/1743 on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Colombia on the short-stay visa waiver.

CONTENT: with this Decision, **the Agreement between the European Union and Colombia 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 Colombia on the short-stay visa waiver. This Agreement was signed and is applied on a provisional basis since 3 December 2015.

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

2015/0201(NLE) - 14/09/2015 - Preparatory document

PURPOSE: to conclude the Agreement between the European Union and the Republic of Colombia 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 Colombia. The Commission concluded that the significant improvement of the Colombian economic and social situation in recent years **provided justification that Colombians 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 Colombia 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 Colombia 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 Colombia 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 Colombia 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 Colombia 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 Colombia 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 Colombia, declaring that Colombia commits to issuing biometric passports by 31 August 2015 at the latest and that failure to introduce biometric/passports by 31 December 2015 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 Colombia 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/Colombia Agreement: short-stay visa waiver

2015/0201(NLE) - 21/10/2015 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union Colombia 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 Colombia 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: with this proposal, the Council is called upon to approve the Agreement between the European Union and Colombia on the short-stay visa waiver on behalf of the Union.

Purpose and duration of stay: the Agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Colombia 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.**

For more information on the main aspects of the Agreement, *please see the summary of the initial legislative proposal of 14.9.2015.*

Joint Committee: 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.

Territorial application: the provisions of the Agreement do not apply to the United Kingdom or to Ireland.

EU/Colombia Agreement: short-stay visa waiver

2015/0201(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 Colombia 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 2 December 2015 provides for visa-free travel for the citizens of the European Union and for the citizens of Colombia 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 marks a significant milestone in the deepening of relations between the EU and Colombia 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. The Agreement will also strengthen regional coherence, given that Colombia is one of the minority of Latin American countries whose nationals still need a visa.

On an economic level, Colombia is the EU's fourth most important economic partner in the region, with a trade volume of EUR 11 884 billion. The EU is Colombia's second trade partner. External trade represents around 20 % of GDP. The visa waiver will simplify conditions for travel by businesspeople, strengthen economic links among businesses and facilitate investments. Colombia is one of the most dynamic and open economies in the region. It is experiencing strong growth (+ 20 % growth between 2009 and 2013 and + 4% in 2014) owing to the scale of its natural and agricultural resources and the development of mining and hydrocarbon sectors, which are increasingly attracting investment. In this context, this agreement will make it possible to step up relations between the two parties and to impart fresh impetus to trade. In addition, the number of Colombian tourists in the EU has increased in the past years (increase of 5 % annually). A number of European companies have already invested heavily in tourist and hotel infrastructure. Visa liberalisation is likely to further increase tourist flows between the two, as well as investment in tourism.

On a political level, Colombia is one of the oldest recognised democracies and is relatively stable. The political dialogue between the EU and Colombia is based on the 1996 Rome Declaration, and a protocol signed in 2009. It is strengthened and institutionalised through the political dialogue and cooperation agreement concluded between the EU and the countries of the Andean Community. The visa facilitation agreement will make it possible to cooperate further in the field of human rights and to pursue a balanced, regular, in-depth political dialogue on more specific issues such as impunity, human rights defenders and security for women and children in armed conflicts, issues which remain priorities for the Union.

In terms of mobility, data regarding entry refusals, arrests and returns show that irregular migration is a risk factor. At the same time, however, a marked improvement regarding the situation in Colombia has been observed. In 2014, the vast majority of Schengen visa applicants were granted short-stay visas, the rejection rate being around 4.3 %, down by more than half since 2010. The return ratio has also significantly improved since 2010. The rapporteur notes the importance of enhancing the cooperation agreement between the EU and Colombia concerning irregular migration. The agreement also contains a joint declaration on cooperation with regard to irregular immigration in which the EU and Colombia reaffirm their undertakings regard to the readmission of irregular migrants.

Colombia may also become a key partner in the field of **security and the fight against organised crime**, including drug trafficking, which can represent an important aspect 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, 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 Colombia to ensure full reciprocity of the visa waiver, which should permit equal treatment of all citizens, particularly all citizens of the Union;
- encourage 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.