Basic information

2015/0293(NLE) NLE - Non-legislative enactments	Procedure completed
EU/China Agreement: short-stay visa waiver for holders of diplomatic passports **Subject** 6.10.01 Foreign and common diplomatic policy 7.10.04 External borders crossing and controls, visas **Geographical area** China	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	VALERO Bodil (Verts/ALE)	16/03/2016
	Shadow rapporteur SARVAMAA Petri (PPE) BEŇOVÁ Monika (S&D) DALTON Daniel (ECR) HYUSMENOVA Filiz (ALDE) VERGIAT Marie-Christine (GUE/NGL) VON STORCH Beatrix (EFDD)	

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
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
15/12/2015	Preparatory document	COM(2015)0643	Summary
26/01/2016	Legislative proposal published	15470/2015	Summary
10/03/2016	Committee referral announced in Parliament		
03/10/2016	Vote in committee		
05/10/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0281/2016	Summary
25/10/2016	Decision by Parliament	T8-0393/2016	Summary
25/10/2016	Results of vote in Parliament		
25/10/2016	End of procedure in Parliament		
24/11/2016	Final act published in Official Journal		

Technical information

Procedure reference	2015/0293(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-p6
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/05346

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE584.017	23/06/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0281/2016	05/10/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0393/2016	25/10/2016	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	15469/2015	26/01/2016	
Legislative proposal	15470/2015	26/01/2016	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2015)0643	15/12/2015	Summary
Document attached to the procedure	COM(2015)0645	15/12/2015	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Decision 2016/2044
OJ L 318 24.11.2016, p. 0001 Summary

EU/China Agreement: short-stay visa waiver for holders of diplomatic passports

2015/0293(NLE) - 05/10/2016 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Bodil VALERO (Greens/EFA, SE) on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports.

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

In brief, the agreement provides for visa-free travel for citizens of the Union holding a valid diplomatic passport or an EU laissez-passer and for citizens of China holding a valid diplomatic passport when travelling to the territory of the other Contracting Party, for a maximum period of 90 days in any 180-day period.

The agreement was initialled by the chief negotiators of the EU and China respectively on 3 and 4 November 2015.

The report is accompanied by a short justification stressing that the **significance of visa liberalisation is considerable** as it brings tangible benefits.

The fact that the proposed Agreement also covers, for the first time, the holders of European Union's "laissez-passer" has been welcomed.

The rapporteur hoped that the visa waiver for holders of diplomatic passports represents a **step forward in the establishment of full reciprocal visa waiver for holders of ordinary passports**. It will facilitate people-to-people contact – an essential condition for the steady development of economic, cultural, scientific and other ties as well as it will intensify contacts between people. Visa liberalisation should go hand-in-hand with improvements in respect of human rights and fundamental freedoms.

The rapporteur also queried 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. Moreover, this is all the more problematic because Parliament is not informed about them as the bilateral negotiations progress, which is in potential breach of Treaty provisions (art 218) and the current Framework Agreement on relations between the European Parliament and the European Commission.

EU/China Agreement: short-stay visa waiver for holders of diplomatic passports

2015/0293(NLE) - 25/10/2016 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 611 votes to 51, with 28 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 People's Republic of China on the short-stay visa waiver for holders of diplomatic passports.

In line with the recommendation made by the Committee on Civil Liberties, Justice and Home Affairs, Parliament **gave its consent** to conclusion of the agreement.

The agreement provides for visa-free travel for citizens of the Union holding a valid diplomatic passport or an EU laissez-passer and for citizens of China holding a valid diplomatic passport when travelling to the territory of the other Contracting Party, for a maximum period of 90 days in any 180-day period.

The agreement was initialled by the chief negotiators of the EU and China respectively on 3 and 4 November 2015.

EU/China Agreement: short-stay visa waiver for holders of diplomatic passports

2015/0293(NLE) - 18/11/2016 - Final act

PURPOSE: to conclude an Agreement between the European Union and China on the short-stay visa waiver for holders of diplomatic passports.

NON-LEGISLATIVE ACT: Council Decision (EU) 2016/2044 on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the People's Republic of China on the short-stay visa waiver for holders of diplomatic passports.

CONTENT: under this Decision, the Agreement between the European Union and China on the short-stay visa waiver for holders of diplomatic passports is approved on behalf of the Union.

As a reminder, the Commission negotiated, on behalf of the European Union, an agreement with China on the short-stay visa waiver for holders of diplomatic passports. The Agreement was signed and has been applied on a provisional basis since 3 March 2016.

The Agreement provides for visa-free travel for a maximum period of 90 days in any 180-day period for citizens of the European Union holding a valid diplomatic passport or an EU laissez-passer and for citizens of China holding a valid diplomatic passport when travelling to the territory of the other Contracting Party.

A Joint Committee of experts for the management of the Agreement has been set up under this 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 does not take part. Therefore, these two countries are not bound by it or subject to its application.

ENTRY INTO FORCE: 18.11.2016.

EU/China Agreement: short-stay visa waiver for holders of diplomatic passports

2015/0293(NLE) - 15/12/2015 - Preparatory document

PURPOSE: to conclude an Agreement between the European Union and China on the short-stay visa waiver for holders of diplomatic passports.

PROPOSED ACT: Council Decision.

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

BACKGROUND: China is among those countries whose nationals are required to hold a visa when travelling to the Schengen area. EU citizens also need a visa to enter China.

In the context of the **EU-China Mobility and Migration Dialogue** established in October 2013, the European Union and China agreed on a **cooperation package** comprising measures in the area of irregular migration and visa policy that would be negotiated or implemented in two interdependent phases:

- in the first phase, a reciprocal visa waiver agreement for holders of diplomatic passports would be negotiated and Member States would be authorised by the Chinese authorities to open visa application centres in 15 designated Chinese cities;
- in the second phase, both sides would negotiate visa facilitation and readmission agreements.

On 14 September 2015 the Council authorised the opening of negotiations with China for a short-stay visa waiver agreement for holders of diplomatic passports and addressed negotiating directives to the Commission. The negotiations were opened on 21 September. The agreement was initialled by the chief negotiators of the EU and China respectively on 3 and 4 November 2015.

CONTENT: the Commission proposes that the Council **approve the Agreement between the European Union and China on the short-stay visa waiver for holders of diplomatic passports.**

The main provisions of the proposal may be summarised as follows:

Purpose and scope: the agreement provides for visa-free travel for citizens of the European Union holding a valid diplomatic passport or an EU laissez-passer and for citizens of China holding a valid diplomatic passport when travelling to the territory of the other Contracting Party.

A provision has been included in the agreement stating that China 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 Decision constitutes a development of the provisions of the Schengen acquis. The **United Kingdom and Ireland** are therefore not taking part in the adoption of the Decision and are not bound by it or subject to its application.

Duration of stay: the agreement provides for **visa-free travel 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 these Member States ((currently Bulgaria, Croatia, Cyprus and Romania) are not part of the Schengen area without internal borders, the visa waiver confers a right for the Chinese holders of diplomatic passports to stay for 90 days in any 180-day period on the territory of each of those Member States, independently of the period calculated for the whole Schengen area.

Visits by high officials: the agreement stipulates that officials at or above vice-ministerial level of the central government and officers of or above the rank of major general of the armed forces must inform the competent authorities of the country to be visited through diplomatic channels before they travel to its territory for official purposes.

Exchange of specimens: the agreement provides for the exchange of specimens of diplomatic passports and the EU laissez-passer no later than 90 days after the date of signature of the agreement.

Territorial application: the agreement clarifies that the visa waiver for Chinese holders of diplomatic passports only applies to the European territories of France and the Netherlands.

Joint declarations: a joint declaration on the interpretation of the period of 90 days in any 180-day period is attached to the agreement. In addition to the joint declaration, two other joint declarations are attached to the agreement regarding:

- the association of Norway, Iceland, Switzerland and Liechtenstein to the implementation, application and development of the Schengen acquis;
- the relationship of this agreement to other fields of cooperation in the framework of the EU-China Mobility and Migration Dialogue.

The agreement establishes a Joint Committee for the management of the agreement whose tasks include, among others, the monitoring of its implementation as well as suggesting amendments or additions.

EU/China Agreement: short-stay visa waiver for holders of diplomatic passports

2015/0293(NLE) - 26/01/2016 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union and China on the short-stay visa waiver for holders of diplomatic passports.

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 China on the short-stay visa waiver for holders of diplomatic passports. The Agreement should now be approved.

CONTENT: the draft Decision seeks approval, on behalf of the Union, of the Agreement between the European Union and China on the short-stay visa waiver for holders of diplomatic passports.

The agreement provides for visa-free travel of a **maximum period of 90 days in any 180-day period** for citizens of the European Union holding a valid diplomatic passport or an EU laissez-passer and for citizens of China holding a valid diplomatic passport when travelling to the territory of the other Contracting Party.

This Decision constitutes a development of the provisions of the Schengen acquis in which the **United Kingdom and Ireland** shall not take part and shall not be bound by it or subject to its application.

For details about the content of the Agreement, please refer to the summary of the Commission's initial legislative proposal of 15.12.2015.

EU/China Agreement: short-stay visa waiver for holders of diplomatic passports

2015/0293(NLE) - 15/12/2015

PURPOSE: to conclude an Agreement between the European Union and China on the short-stay visa waiver for holders of diplomatic passports.

PROPOSED ACT: Council Decision.

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

BACKGROUND: China is among those countries whose nationals are required to hold a visa when travelling to the Schengen area. EU citizens also need a visa to enter China.

In the context of the **EU-China Mobility and Migration Dialogue** established in October 2013, the European Union and China agreed on a **cooperation package** comprising measures in the area of irregular migration and visa policy that would be negotiated or implemented in two interdependent phases:

- in the first phase, a reciprocal visa waiver agreement for holders of diplomatic passports would be negotiated and Member States would be authorised by the Chinese authorities to open visa application centres in 15 designated Chinese cities;
- in the second phase, both sides would negotiate visa facilitation and readmission agreements.

On 14 September 2015 the Council authorised the opening of negotiations with China for a short-stay visa waiver agreement for holders of diplomatic passports and addressed negotiating directives to the Commission. The negotiations were opened on 21 September. The agreement was initialled by the chief negotiators of the EU and China respectively on 3 and 4 November 2015.

CONTENT: the Commission proposes that the Council **approve the Agreement between the European Union and China on the short-stay visa waiver for holders of diplomatic passports.**

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Purpose and scope: the agreement provides for visa-free travel for citizens of the European Union holding a valid diplomatic passport or an EU laissez-passer and for citizens of China holding a valid diplomatic passport when travelling to the territory of the other Contracting Party.

A provision has been included in the agreement stating that China 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 Decision constitutes a development of the provisions of the Schengen acquis. The **United Kingdom and Ireland** are therefore not taking part in the adoption of the Decision and are not bound by it or subject to its application.

Duration of stay: the agreement provides for **visa-free travel 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 these Member States ((currently Bulgaria, Croatia, Cyprus and Romania) are not part of the Schengen area without internal borders, the visa waiver confers a right for the Chinese holders of diplomatic passports to stay for 90 days in any 180-day period on the territory of each of those Member States, independently of the period calculated for the whole Schengen area.

Visits by high officials: the agreement stipulates that officials at or above vice-ministerial level of the central government and officers of or above the rank of major general of the armed forces must inform the competent authorities of the country to be visited through diplomatic channels before they travel to its territory for official purposes.

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The agreement establishes a Joint Committee for the management of the agreement whose tasks include, among others, the monitoring of its implementation as well as suggesting amendments or additions.