Basic information

2016/0125(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Third countries whose nationals are subject to or exempt from a visa requirement: Ukraine Amending Regulation (EC) No 539/2001 2000/0030(CNS) **Subject** 7.10.04 External borders crossing and controls, visas **Geographical area** Ukraine **Legislative priorities** EU support to Ukraine	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	GABRIEL Mariya (PPE)	23/05/2016
	Shadow rapporteur KAUFMANN Sylvia-Yvonne (S&D) HALLA-AHO Jussi (ECR) JEŽEK Petr (ALDE) VERGIAT Marie-Christine (GUE/NGL) LUNACEK Ulrike (Verts/ALE) VON STORCH Beatrix (EFDD)	

Committee for opinion	Rapporteur for opinion	Appointed
AFET Foreign Affairs	SARYUSZ-WOLSKI Jacek (PPE)	24/05/2016
JURI Legal Affairs	HAUTALA Heidi (Verts/ALE)	11/07/2016

Council of the European Union	**Council configuration**	**Meetings**	**Date**
	Justice and Home Affairs (JHA)	3473	2016-06-10
	Justice and Home Affairs (JHA)	3465	2016-05-20
	Agriculture and Fisheries	3533	2017-05-11

European Commission	**Commission DG**	**Commissioner**
	Migration and Home Affairs	AVRAMOPOULOS Dimitris

Key events

Date	Event	Reference	Summary
20/04/2016	Legislative proposal published	COM(2016)0236	Summary
28/04/2016	Committee referral announced in Parliament, 1st reading		
20/05/2016	Debate in Council		
10/06/2016	Debate in Council		
26/09/2016	Vote in committee, 1st reading		
26/09/2016	Committee decision to open interinstitutional negotiations with report adopted in committee		
29/09/2016	Committee report tabled for plenary, 1st reading	A8-0274/2016	Summary
05/04/2017	Debate in Parliament		
06/04/2017	Decision by Parliament, 1st reading	T8-0129/2017	Summary
06/04/2017	Results of vote in Parliament		
11/05/2017	Act adopted by Council after Parliament's 1st reading		
17/05/2017	Final act signed		
17/05/2017	End of procedure in Parliament		
22/05/2017	Final act published in Official Journal		

Technical information

Procedure reference	2016/0125(COD)
Procedure type	COD - Ordinary legislative procedure (ex-codecision procedure)
Procedure subtype	Legislation
Legislative instrument	Regulation
Amendments and repeals	Amending Regulation (EC) No 539/2001 2000/0030(CNS)
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2
Other legal basis	Rules of Procedure EP 165

Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/06340

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee opinion	AFET	PE583.952	07/07/2016	
Committee draft report		PE585.521	18/07/2016	
Amendments tabled in committee		PE589.276	15/09/2016	
Committee opinion	JURI	PE587.696	27/09/2016	
Committee report tabled for plenary, 1st reading/single reading		A8-0274/2016	29/09/2016	Summary
Text adopted by Parliament, 1st reading/single reading		T8-0129/2017	06/04/2017	Summary

Council of the EU

Document type	Reference	Date	Summary
Draft final act	00013/2017/LEX	17/05/2017	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2016)0236	20/04/2016	Summary
Commission response to text adopted in plenary	SP(2017)363	07/06/2017	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2017/0850
OJ L 133 22.05.2017, p. 0001 Summary

Third countries whose nationals are subject to or exempt from a visa requirement: Ukraine

2016/0125(COD) - 17/05/2017 - Final act

PURPOSE: to allow Ukrainian nationals to be exempt from the requirement to hold a visa when travelling in EU Member States.

LEGISLATIVE ACT: Regulation (EU) 2017/850 of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Ukraine).

CONTENT: the Regulation amends Council Regulation No 539/2001, transferring Ukraine from Annex I (country whose nationals must be in possession of a visa to enter the Schengen area) to Annex II (countries whose nationals are exempt from visa). It therefore provides for a **visa waiver for Ukrainian nationals** travelling to the EU for short stays of 90 days within any 180-day period.

That visa waiver should apply only to holders of **biometric passports** issued by Ukraine in line with the standards of the International Civil Aviation Organisation (ICAO).

The Regulation stated that Ukraine has met all the benchmarks set out in the visa liberalisation action plan presented to the Ukrainian Government in November 2010, and therefore fulfils the relevant criteria for its citizens to be exempted from the visa requirement when travelling to the territory of Member States.

The Commission will **monitor Ukraine's continuous fulfilment of these criteria**, particularly with regard to the fight against organised crime and corruption.

The Regulation constitutes a development of the provisions of the Schengen acquis. It will not apply in the case of Ireland and the United Kingdom.

ENTRY INTO FORCE: 11.6.2017

Third countries whose nationals are subject to or exempt from a visa requirement: Ukraine

2016/0125(COD) - 06/04/2017 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 251 votes to 75, with 36 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Ukraine).

A proposal to reject the Council proposal, submitted by the EFDD group, was rejected in plenary by 85 votes to 520, with 23 abstentions.

The European Parliament adopted its position at first reading following the ordinary legislative procedure, taking over the Commission proposal.

This proposal seeks to amend Regulation (EC) No 539/2001 in order to allow **Ukrainian nationals to be exempt from the requirement to hold a visa** when travelling in EU Member States.

A recital stated that Ukraine has met all the benchmarks set out in the Visa Liberalisation Action Plan presented to the Ukrainian Government in November 2010, and therefore fulfils the relevant criteria for its citizens to be exempted from the visa requirement when travelling to the territory of Member States.

It is also stated that the continuous fulfilment by Ukraine of such criteria, especially on the fight against organised crime and corruption, will be duly **monitored by the Commission.**

Third countries whose nationals are subject to or exempt from a visa requirement: Ukraine

2016/0125(COD) - 29/09/2016 - 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 proposal for a regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement (Ukraine).

The committee recommended the European Parliament to adopt its position at first reading, **taking over the Commission proposal**.

In the explanatory memorandum attached to the draft legislative resolution, the rapporteur welcomed the Commission proposal and stressed the need for close monitoring of the visa liberalisation dialogue.

The rapporteur pointed out that the current refusal rate for EU visas for Ukrainian citizens is below 2%. Moreover, the EU-Ukraine readmission agreement on the return of irregular migrants is one of the most effective readmission agreements with a return rate of over 80%, demonstrating an excellent degree of cooperation in this area that makes it possible to mitigate migration risks.

The rapporteur stated that, by voting in favour of this Commission proposal, the European Parliament will be confirming the principle whereby every country that meets all the benchmarks can benefit from visa liberalisation, while pointing out that the criteria which led to this liberalisation must

continue to be met after the decision has entered into force. The European Union's credibility and reliability as a partner for third countries, and particularly for neighbouring countries that have embarked on a European course, depend on compliance with this method. This method reflects the respect given to the rule of law and the **pre-eminence of law and international law** as a fundamental principle of the European Union, including in the context of the illegal annexation of the Autonomous Republic of Crimea and the city of Sebastopol by the Russian Federation.

In conclusion, taking into account the consideration of the criteria set out in the visa liberalisation action plan and the significance of visa liberalisation for European and Ukrainian citizens, the rapporteur recommended the Parliament to support this proposal.

Third countries whose nationals are subject to or exempt from a visa requirement: Ukraine

2016/0125(COD) - 20/04/2016 - Legislative proposal

PURPOSE: to amend Council Regulation (EC) n° 539/2001 in order to allow Ukrainian nationals to be exempt from the requirement to hold a visa when travelling in EU Member States.

PROPOSED ACT: Regulation of the European Parliament and of the Council.

ROLE OF THE EUROPEAN PARLIAMENT: Parliament decides in accordance with the ordinary legislative procedure on an equal footing with Council.

BACKGROUND: Council Regulation (EC) n° 539/2001 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. It is applied by all Member States – with the exception of Ireland and the United Kingdom – and also by Iceland, Liechtenstein, Norway and Switzerland. The Regulation is part of the EU's common visa policy for short stays of 90 days within any 180-day period.

Ukraine is currently listed on Annex I to Regulation (EC) No 539/2001, i.e. among those countries whose nationals are required to hold a visa when travelling to the territory of EU Member States.

The EU-Ukraine Visa Liberalisation Dialogue was launched in October 2008. In November 2010, **the European Commission presented the Ukrainian Government with an action plan on visa liberalisation**. The plan is structured around four 'blocks': document security, including biometrics (block I), migration and integrated border management, including asylum (block II), public order and security (block III), and external relations and fundamental rights (block IV).

Before the start of the Visa Liberalisation Dialogue, the EU and Ukraine had concluded in parallel a visa facilitation agreement and a readmission agreement, which entered into force on 1 January 2008.

Since the launch of the EU-Ukraine Visa Liberalisation Dialogue, the Commission has reported regularly to the European Parliament and to the Council on Ukraine's progress towards fulfilling the benchmarks identified under the four blocks under the action plan's first and second phases. Based on regular assessments, the **Commission confirmed that Ukraine had met all the benchmarks** for each of the four blocks of the second phase of the action plan. It also took note of the progress made by the Ukrainian authorities to implement the required reforms under the action plan.

Furthermore, the Commission has taken note that the implementation of the Visa Facilitation and Readmission Agreements was overall very satisfactory.

CONTENT: the Commission proposes to amend Regulation (EC) No 539/2001 by **transferring Ukraine from Annex I (list of visa-required countries) to Annex II (list of visa-free countries).** A footnote will be added specifying that the visa waiver will be limited to holders of **biometric passports** issued in line with standards of the International Civil Aviation Organisation (ICAO). The proposed regulation will constitute a **development of the Schengen acquis.** Accordingly, the United Kingdom and Ireland are not taking part in the adoption of this Regulation and are not bound by it or subject to its application.

The amended Regulation will be directly applicable from its entry into force and will be implemented immediately by Member States. No implementation plan is necessary.

The Commission will continue to actively monitor Ukraine's continuous implementation of all benchmarks under the four blocks of the VLAP through the existing association structures and dialogues, and, if necessary, through ad hoc follow-up mechanisms.