Basic information

2018/0390(COD) COD - Ordinary legislative procedure (ex-codecision procedure) Regulation	Procedure completed
Third countries whose nationals are subject to or exempt from a visa requirement, as regards the withdrawal of the United Kingdom from the Union Amending Regulation (EC) No 539/2001 2000/0030(CNS) **Subject** 7.10.04 External borders crossing and controls, visas **Geographical area** United Kingdom	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	STANISHEV Sergei (S&D)	01/04/2019
	Shadow rapporteur CSÁKY Pál (PPE) STEVENS Helga (ECR) JEŽEK Petr (ALDE) ANDERSON Martina (GUE/NGL) KELLER Ska (Verts/ALE) ZIJLSTRA Auke (ENF)	

Council of the European Union

Council configuration	Meetings	Date
General Affairs	3685	2019-04-09

European Commission

Commission DG	Commissioner
Secretariat-General	TIMMERMANS Frans

Key events

Date	Event	Reference	Summary

13/11/2018	Legislative proposal published	COM(2018)0745	Summary
28/11/2018	Committee referral announced in Parliament, 1st reading		
29/01/2019	Vote in committee, 1st reading		
29/01/2019	Committee report tabled for plenary, 1st reading	A8-0047/2019	Summary
29/01/2019	Committee decision to open interinstitutional negotiations with report adopted in committee		
30/01/2019	Committee decision to enter into interinstitutional negotiations announced in plenary (Rule 72)		
11/02/2019	Committee decision to enter into interinstitutional negotiations confirmed by plenary (Rule 72)		
03/04/2019	Approval in committee of the text agreed at 1st reading interinstitutional negotiations	PE638.466 GEDA/A/(2019)003076	
04/04/2019	Decision by Parliament, 1st reading	T8-0336/2019	Summary
04/04/2019	Results of vote in Parliament		
09/04/2019	Act adopted by Council after Parliament's 1st reading		
10/04/2019	Final act signed		
10/04/2019	End of procedure in Parliament		
12/04/2019	Final act published in Official Journal		

Technical information

Procedure reference	2018/0390(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/8/15008

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE632.052	12/12/2018	
Amendments tabled in committee		PE632.961	16/01/2019	
Committee report tabled for plenary, 1st reading/single reading		A8-0047/2019	29/01/2019	Summary
Text agreed during interinstitutional negotiations		PE638.466	03/04/2019	

Text adopted by Parliament, 1st reading/single reading		T8-0336/2019	04/04/2019	Summary

Council of the EU

Document type	Reference	Date	Summary
Coreper letter confirming interinstitutional agreement	GEDA/A/(2019)003076	03/04/2019	
Draft final act	00071/2019/LEX	10/04/2019	

European Commission

Document type	Reference	Date	Summary
Legislative proposal	COM(2018)0745	13/11/2018	Summary
Commission response to text adopted in plenary	SP(2019)443	12/06/2019	

Additional information

Source	Document	Date
European Commission	EUR-Lex	

Final act

Regulation 2019/0592
OJ L 103I 12.04.2019, p. 0001 Summary

Third countries whose nationals are subject to or exempt from a visa requirement, as regards the withdrawal of the United Kingdom from the Union

2018/0390(COD) - 29/01/2019 - Committee report tabled for plenary, 1st reading/single reading

The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Claude MORAES (S&D, UK) on the proposal for a regulation of the European Parliament and of the Council amending Council 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, as regards the withdrawal of the United Kingdom from the Union.

This Commission proposal is part of the legislative measures necessary to adjust Union law to Brexit. It aims to clarify the situation of UK nationals when Union law ceases to apply to them as regards visa policy.

The Commission proposes to insert the United Kingdom as regards British citizens into Annex II to Regulation (EC) No 539/2001 (i.e. in the list of third countries whose nationals are exempt from the visa requirement).

The committee recommended that the European Parliament adopt its position at first reading by specifying in a recital that this decision is based on the expectation that, in the interest of maintaining close relations, the United Kingdom will grant full visa reciprocity to the nationals of all Member States.

In case the United Kingdom introduces a visa requirement for nationals of at least one Member State in the future, the reciprocity mechanism provided for in Regulation (EC) No 539/2001 should apply. The Commission should monitor the respect of the principle of reciprocity on a continuous basis and immediately inform the European Parliament and the Council of any developments which could endanger the respect of this principle.

Third countries whose nationals are subject to or exempt from a visa requirement, as regards the withdrawal of the United Kingdom from the Union

2018/0390(COD) - 12/04/2019 - Final act

PURPOSE: to provide UK citizens with the possibility of visa-free travel to the EU after the United Kingdom's withdrawal from the European Union.

LEGISLATIVE ACT: Regulation (EU) 2019/592 of the European Parliament and of the Council amending Regulation (EU) 2018/1806 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, as regards the withdrawal of the United Kingdom from the Union.

CONTENT: This Regulation stipulates that, following Brexit, United Kingdom citizens entering the Schengen area for a short stay (90 days in any 180-day period) shall benefit from visa-free travel.

The existing rules provide for two lists on one of which all third-country nationals are automatically included: on the one hand, the list of third countries whose nationals are subject to a visa requirement and, on the other hand, the list of those whose nationals are exempt from that requirement. After Brexit, the United Kingdom becoming a third country shall be included in Annex II of Regulation (EU) 2018/1806 (i.e. in the list of third countries whose nationals are exempt from the visa requirement).

The visa waiver is based on the expectation that the United Kingdom shall grant full visa reciprocity to nationals of all Member States. If the United Kingdom were to reintroduce a visa requirement for nationals of at least one Member State, the reciprocity mechanism provided for in EU legislation should apply.

The Commission shall monitor the respect of the principle of reciprocity on a continuous basis and immediately inform the European Parliament and the Council of any developments which could endanger the respect of that principle.

Visa exemption shall be applicable in all EU Member States (except Ireland, which has its own visa policy) and in the countries associated with the Schengen area (Iceland, Liechtenstein, Norway and Switzerland).

The addition of the United Kingdom to Part 1 of Annex II to Regulation (EU) 2018/1806 will not cover British overseas territories citizens who have acquired their citizenship from a connection with Gibraltar. Gibraltar shall thus be listed along with other British overseas territories in Part 3 of Annex II to Regulation (EU) 2018/1806.

The regulations specify that Gibraltar is a colony of the British Crown. There is a controversy between Spain and the United Kingdom concerning the sovereignty over Gibraltar, a territory for which a solution has to be reached in light of the relevant resolutions and decisions of the General Assembly of the United Nations.

ENTRY INTO FORCE: the day following the day on which Union law ceases to apply in the United Kingdom.

Third countries whose nationals are subject to or exempt from a visa requirement, as regards the withdrawal of the United Kingdom from the Union

2018/0390(COD) - 04/04/2019 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted by 502 votes to 81, with 29 abstentions, a legislative resolution on the proposal for a regulation of the European Parliament and of the Council amending Council 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, as regards the withdrawal of the United Kingdom from the Union.

The European Parliament adopted its position at first reading in accordance with the ordinary legislative procedure.

The draft legislative act aims to clarify the situation of United Kingdom nationals once EU law ceases to apply to them with regard to visa policy. It provides for the United Kingdom to be included in Annex II to Regulation (EU) 2018/1806 (i.e. in the list of third countries whose nationals are exempt from the visa requirement) with regard to United Kingdom citizens.

Thus, from the day after the United Kingdom’s withdrawal from the EU, British citizens would not need a visa when travelling to the EU for short stays of up to 90 days over a period of 180 days.

The visa waiver is based on the expectation that the United Kingdom will grant full visa reciprocity to nationals of all Member States. If the United Kingdom were to reintroduce a visa requirement for nationals of at least one Member State, the reciprocity mechanism provided for in EU legislation should apply.

The Commission should monitor the respect of the principle of reciprocity on a continuous basis and immediately inform the European Parliament and the Council of any developments which could endanger the respect of that principle.

Visa exemption would be applicable in all EU Member States (except Ireland, which has its own visa policy) and in the countries associated with the Schengen area (Iceland, Liechtenstein, Norway and Switzerland).

The addition of the United Kingdom to Part 1 of Annex II to Regulation (EU) 2018/1806 will not cover British overseas territories citizens who have acquired their citizenship from a connection with Gibraltar. Gibraltar should thus be listed along with other British overseas territories in Part 3 of Annex II to Regulation (EU) 2018/1806.

The amended text stipulates that Gibraltar is a colony of the British Crown. There is a controversy between Spain and the United Kingdom concerning the sovereignty over Gibraltar, a territory for which a solution has to be reached in light of the relevant resolutions and decisions of the General Assembly of the United Nations.

Third countries whose nationals are subject to or exempt from a visa requirement, as regards the withdrawal of the United Kingdom from the Union

2018/0390(COD) - 13/11/2018 - Legislative proposal

PURPOSE: to provide UK citizens with the possibility of visa-free travel to the EU after the United Kingdom's withdrawal from the European Union.

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

BACKGROUND: under Article 21 of the Treaty on the Functioning of the European Union and Directive 2004/38/EC of the European Parliament and of the Council, EU citizens have the right to move and reside freely within the territory of the Member States, including the right to enter Member States without visas or equivalent formalities.

Following the United Kingdom's withdrawal from the Union, **the Treaty and Directive 2004/38/EC will cease to apply to United Kingdom nationals who are British citizens**, and the right of those citizens to enter Member States without a visa will cease to apply.

It is therefore necessary to include the United Kingdom in one of the Annexes to Council Regulation (EC) No 539/2001. Annex I lists the third countries whose nationals must be in possession of visas when crossing the external borders and Annex II lists those whose nationals are exempt from that requirement.

IMPACT ANALYSIS: No full impact analysis has been carried out. There are only two options: to include United Kingdom nationals who are British citizens in Annex I (visa requirement) of Regulation (EC) No 539/2001, or to include them in Annex II (visa exemption) of the Regulation

The Commission has concluded that United Kingdom nationals who are British citizens should be **exempt from the visa requirement** when travelling to the Union for short stays.

Given the geographical proximity, the link between economies, the level of trade and the volume of short-term travel by people between the United Kingdom and the Union for business, leisure or other purposes, the possibility of visa-free travel should facilitate tourism and economic activity, which should benefit the Union.

As the United Kingdom is classified as a high-income economy by the World Bank and is part of the OECD, its profile is that of a country with, in principle, a low risk of irregular migration to the Union.

CONTENT: the Commission proposes to **include the United Kingdom in Annex II to Regulation (EC) No 539/2001** (i.e. in the list of third countries whose nationals are exempt from the visa requirement) as regards British citizens.

This would mean that UK citizens would not need a visa to travel for short stays of up to 90 days in any 180-day period in the Schengen area. This regime would apply from **30 March 2019**. However, if an agreement is reached, it would apply from the end of the transitional period, as indicated in the withdrawal agreement.

The proposal is subject to the condition that the United Kingdom grants **reciprocal and non-discriminatory visa-free travel** to all EU Member States.

The United Kingdom Government has announced its intention not to require EU-27 citizens to be in possession of a visa when travelling to the United Kingdom for short business or tourist stays, from the date on which EU law ceases to apply in the United Kingdom. In the event that the United Kingdom imposes a visa requirement on nationals of at least one Member State, the reciprocity mechanism provided for in Regulation (EC) No 539 /2001 shall apply.