


Procedure file

Basic information		
CNS - Consultation procedure Regulation	2000/0030(CNS)	Procedure completed
Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)		
Repealing Regulation (EC) No 574/1999 1997/0922(CNS)		
Amended by 2001/0231(CNS)		
Amended by 2002/0280(CNS)		
Amended by 2004/0141(CNS)		
Amended by 2006/0022(CNS)		
Amended by 2009/0104(CNS)		
Amended by 2010/0137(COD)		
Amended by 2010/0192(COD)		
Amended by 2011/0051(COD)		
Amended by 2011/0138(COD)		
Amended by 2012/0309(COD)		
Amended by 2013/0415(COD)		
Amended by 2016/0075(COD)		
Amended by 2016/0125(COD)		
Amended by 2016/0139(COD)		
Amended by 2016/0142(COD)		
See also 2016/2986(RSP)		
Repealed by 2018/0066(COD)		
Amended by 2018/0390(COD)		
Subject		
7.10.04 External borders crossing and controls, visas		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		11/04/2000
		PPE-DE LEHNE Klaus-Heiner	
	Former committee responsible		
	LIBE Citizens' Freedoms and Rights, Justice and Home Affairs		16/03/2000
		PPE-DE LEHNE Klaus-Heiner	
Council of the European Union	Former committee for opinion		
	AFET Foreign Affairs, Human Rights, Common Security, Defense	The committee decided not to give an opinion.	
	JURI Legal Affairs and Internal Market	The committee decided not to give an opinion.	
	Council configuration	Meeting	Date
	Justice and Home Affairs (JHA)	2337	15/03/2001
	Justice and Home Affairs (JHA)	2314	30/11/2000
	Justice and Home Affairs (JHA)	2288	28/09/2000

Key events			
26/01/2000	Legislative proposal published	COM(2000)0027	Summary
29/03/2000	Committee referral announced in Parliament		
21/06/2000	Vote in committee		Summary
21/06/2000	Committee report tabled for plenary, 1st reading/single reading	A5-0179/2000	
03/07/2000	Debate in Parliament		
05/07/2000	Decision by Parliament	T5-0303/2000	Summary
21/09/2000	Modified legislative proposal published	COM(2000)0577	Summary
28/09/2000	Debate in Council	2288	Summary
04/12/2000	Amended legislative proposal for reconsultation published	14191/2000	Summary
11/12/2000	Formal reconsultation of Parliament		
06/02/2001	Vote in committee		Summary
06/02/2001	Committee report tabled for plenary, reconsultation	A5-0056/2001	
01/03/2001	Decision by Parliament	T5-0109/2001	Summary
15/03/2001	Act adopted by Council after consultation of Parliament		
15/03/2001	End of procedure in Parliament		
21/03/2001	Final act published in Official Journal		

Technical information	
Procedure reference	2000/0030(CNS)
Procedure type	CNS - Consultation procedure
Procedure subtype	Legislation
Legislative instrument	Regulation
	Repealing Regulation (EC) No 574/1999 1997/0922(CNS) Amended by 2001/0231(CNS) Amended by 2002/0280(CNS) Amended by 2004/0141(CNS) Amended by 2006/0022(CNS) Amended by 2009/0104(CNS) Amended by 2010/0137(COD) Amended by 2010/0192(COD) Amended by 2011/0051(COD) Amended by 2011/0138(COD)

	Amended by 2012/0309(COD) Amended by 2013/0415(COD) Amended by 2016/0075(COD) Amended by 2016/0125(COD) Amended by 2016/0139(COD) Amended by 2016/0142(COD) See also 2016/2986(RSP) Repealed by 2018/0066(COD) Amended by 2018/0390(COD)
Legal basis	EC Treaty (after Amsterdam) EC 062
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/5/12618; LIBE/5/14141

Documentation gateway

Legislative proposal		COM(2000)0027 OJ C 177 27.06.2000, p. 0066 E	26/01/2000	EC	Summary
Committee report tabled for plenary, 1st reading/single reading		A5-0179/2000 OJ C 121 24.04.2001, p. 0008	21/06/2000	EP	
Text adopted by Parliament, 1st reading/single reading		T5-0303/2000 OJ C 121 24.04.2001, p. 0037-0144	05/07/2000	EP	Summary
Modified legislative proposal		COM(2000)0577 OJ C 376 29.12.2000, p. 0001 E	21/09/2000	EC	Summary
Amended legislative proposal for reconsultation		14191/2000	04/12/2000	CSL	Summary
Committee final report tabled for plenary, reconsultation		A5-0056/2001	06/02/2001	EP	
Text adopted by Parliament after reconsultation		T5-0109/2001 OJ C 277 01.10.2001, p. 0016-0067	01/03/2001	EP	Summary
Follow-up document		COM(2006)0568	03/10/2006	EC	Summary
Follow-up document		COM(2008)0486	23/07/2008	EC	Summary
Follow-up document		COM(2009)0560	19/10/2009	EC	Summary
Follow-up document		COM(2009)0562	19/10/2009	EC	Summary
Follow-up document		COM(2010)0620	05/11/2010	EC	Summary
Follow-up document		COM(2017)0813	20/12/2017	EC	Summary

Additional information

European Commission	EUR-Lex
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Final act

[Regulation 2001/539](#)
[OJ L 081 21.03.2001, p. 0001](#) Summary

Final legislative act with provisions for delegated acts

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

PURPOSE : To present a proposal for a Council Regulation on a list of third countries whose nationals must have a visa when entering the European Union and those countries whose nationals do not need a visa. CONTENT : visa policy is given a legal base by the Treaty of Amsterdam. The law as it stands is based on Council Regulations and the Schengen acquis. Once the regulation is adopted, the Member States will be precluded from unilaterally determining the visa rules for any third country at all. They do, however, have the possibility of providing for certain derogations and exceptions applicable to certain categories of persons, notably on the grounds of international law or custom. The proposal mentions the issue of variable geometry applying to Denmark, the United Kingdom and Ireland. The proposal refers to visas for no longer than three months. The proposed regulation does not apply, inter alia, to long-stay visas and airport transit visas; nor does it determine the procedures and conditions for issuing visas. There are special provisions relating to stateless persons. The countries subject to visa requirements are listed in Annex I and those exempt are listed in Annex II. It should be noted that Bulgaria and Romania have moved from Annex I to II. Similarly, the Hong Kong and Macao SARs are in Annex II.?

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

The committee adopted the report (consultation procedure) by Klaus-Heiner LEHNE (EPP/ED, D) approving, with a few amendments, the Commission proposal on listing third countries whose nationals are subject to or exempt from visa requirements for the EU. The report broadly endorsed the proposal, as it was consistent with Parliament's main demands. The amendments were mainly of a legal nature, designed to clarify certain aspects of the proposed regulation and ensure consistency with the existing Schengen rules. The committee also adopted an amendment allowing Member States to make an exemption from visa requirements to enable young people to participate in EU youth programmes more easily. In addition, the report strongly urged the Council to maintain Bulgaria and Romania on the list of third countries whose nationals were exempt from visa requirements, given that these two countries were set to become members of the EU eventually and had taken steps to address the concerns of the Member States.?

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

The European Parliament has adopted, under the consultation procedure, the report drafted by Mr Klaus-Heiner LEHNE (EPP/ED, D) on the proposal for a Council regulation establishing a list of countries whose nationals are subject to a visa requirement in order to cross the external frontiers and a list of those whose nationals are exempt from this requirement. The report substantially approves the Commission proposal. The new regulation, which will replace regulation 574/1999, establishes a list of third countries whose nationals are subject to a visa requirement for planned visits of no more than three months duration. The new text proposed by the Commission sets out to achieve total harmonisation by drawing up, alongside this first list, a list of countries whose nationals are exempt from the requirement to be in possession of a visa when crossing the European Union's external borders. In addition, to minimise the restrictions of movement it is essential that the procedure and conditions for issuing visas by Member States are as smooth and simple as possible and do not cause unreasonable expenditure for the applicants. It should also be noted that a Member State may exempt from the visa requirement young people who take part in the EU youth programmes. This Regulation shall not affect Member States' powers concerning the recognition of states and territorial units or of passports and travel and identity documents issued by the authorities of the latter.?

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

The Commission is presenting this amended proposal for a Regulation both in response to Parliament's legislative resolution of 5 July 2000 and to take account of the work done so far on the proposal within the Council. The proposed amendments relate in particular to : - the addition of a recital which should clarify the links between the provisions of this Regulation and other existing provisions or instruments. The Commission could not agree to the inclusion of such clarifications in the form of articles; - the inclusion of a recital concerning reciprocity; - the inclusion of a recital to clarify the position of Iceland and Norway in respect of the Regulation; - the proposed addition of the phrase "for stays of no more than three months", this is intended to fill the gap left in the original proposal; - put in place a reciprocal mechanism making it possible to react against any third country that might reimpose a visa requirement on nationals of a Member State. Other amendments aim to clarify certain aspects of the Regulation, and moreover, aim to make the wording compatible with the Schengen acquis and to avoid any contradiction with other existing provisions elsewhere.?

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

The Council has instructed the Permanent Representatives Committee to finalise the text of the Regulation relating to visa requirements and exemption for third country nationals. It should be added that European Parliament must be consulted again.?

Third countries whose nationals are subject to or exempt from a visa requirement (Visa

Regulation)

With regard to visa requirements and exemption for third country nationals, the proposed Council regulation for re-consultation states the following: - the determination of those third countries whose nationals are subject to the visa requirement, and those exempt from it, is governed by a considered, case-by-case assessment of a variety of criteria relating inter alia, to illegal immigration, public policy and security, and the European Union's external relations with third countries, consideration also being given to the implications of regional coherence and reciprocity; - provision should be made for a Community mechanism enabling this principle of reciprocity to be implemented if one of the third countries included in Annex II to the proposed Regulation decides to make the nationals of one or more Member States subject to visa obligation; - as regards stateless persons and recognised refugees, the decision as to the visa requirement or exemption should be based on the third country in which these persons reside and which issued their travel document. However, given the differences in the national legislation applicable to stateless persons and to recognised refugees, Member States may decide whether these categories of persons shall be subject to the visa requirement, where the third country in which these persons reside and which issued their travel documents is a third country whose nationals are exempt from the visa requirement; - in specific cases where special visa rules are warranted, Member States may exempt certain categories of persons from the visa requirement or impose it on them in accordance with public international law or custom; - the conditions governing entry into the territory of the Member States or the issue of visas do not affect the rules currently governing recognition of the validity of travel documents; - finally, the application of the exemption from the visa requirement for nationals of certain third countries, which are listed in Annex II, will come into force only later. To this end, the Council will take a decision for each of those countries on the basis of reports drawn up by the Commission. ?

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

The committee adopted the report by Klaus-Heiner LEHNE (EPP-ED, D) amending the proposal under the consultation procedure. In particular, it rejected the attempt to attach certain conditions to the exemption for Romania from visa requirements, arguing that there was no justification for treating Romania differently, especially as it was one of the applicant states. Another amendment stipulated that visa requirements for stateless persons should be the same as for nationals of the third country in which they reside. The committee also wanted Member States to be able to exempt from the visa requirement young people taking part in EU youth programmes, as it felt that the EU should do everything possible to enhance crossborder contacts. Other amendments were designed to secure coherence with the existing Schengen rules and to tidy up the Council's text.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

The European Parliament adopted the report by Mr Klaus-Heiner LEHNE (EPP/ED, D). (Please refer to the previous document). ?

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

PURPOSE : to adopt a Council Regulation on a list of third countries whose nationals must have a visa when entering the European Union and those countries whose nationals do not need a visa. COMMUNITY MEASURE : Council Regulation 539/2001/EC 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. CONTENT : visa policy is given a legal base by the Treaty of Amsterdam. The law as it stands is based on Council Regulations and the Schengen acquis. The regulation stipulates that the Member States will be precluded from unilaterally determining the visa rules for any third country at all. They do, however, have the possibility of providing for certain derogations and exceptions applicable to certain categories of persons, notably on the grounds of international law or custom. The regulation mentions the issue of variable geometry applying to Denmark, the United Kingdom and Ireland. The proposal refers to visas for no longer than three months. Moreover, the regulation does not apply, inter alia, to long-stay visas and airport transit visas; nor does it determine the procedures and conditions for issuing visas. There are special provisions relating to stateless persons. The countries subject to visa requirements are listed in Annex I and those exempt are listed in Annex II. It should be noted that Bulgaria has been placed in Annex II i.e. the visa requirement will be lifted once the Regulation comes into force. Similarly, the Hong Kong and Macao SARs are in Annex II. Romania has also been placed in Annex II, but with an asterisk, to specify that the lifting of the visa requirement will be decided on subsequently by the Council on the basis of a report to be drawn up by the Commission. To this end, the Commission will ask Romania to indicate which undertakings it is prepared to enter into on illegal immigration and illegal residence, including the repatriation of persons from that country who are illegally resident. The Commission will present a first report to the Council, accompanied by any useful recommendations, no later than 30 June 2001. ENTRY INTO FORCE : the Regulation shall enter into force on 27.03.2001.?

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

Council 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 (Annex I to the Regulation, the ?negative list?) and those whose nationals are exempt from that requirement (Annex II to the Regulation, the ?positive list?), as amended by Council Regulation (EC) No 851/2005, is the basic instrument of common visa policy, providing also a reciprocity mechanism for cases where a third country on the positive list maintains or introduces a visa obligation for the citizens of one or more Member States.

In its third report in 2007 (refer to the follow-up document of the procedure file [CNS/2004/0141](#)), the Commission concluded that dialogue with third countries under the new reciprocity mechanism has proven effective. Full reciprocity was achieved with New Zealand and Mexico. Significant progress was achieved in dialogue with Australia. Furthermore, a comprehensive visa waiver agreement should soon be negotiated with Brazil. However, with regard to Canada and the United States of America (USA) it was concluded that little progress had been made. If this continued to be the case, appropriate retaliatory measures could be considered.

This fourth report takes stock of the approaches made by the Commission since September 2007 vis-à-vis third countries on the positive list which continue to require visas from nationals of one or more Member States.

The Commission considers that since the last report of 13 September 2007 the dialogue with third countries under the new reciprocity mechanism has once again proven effective. Further full visa reciprocity has been achieved with three third countries (Israel, Malaysia and Paraguay). Furthermore, the Commission has achieved significant progress in the dialogue with Canada, for which only Bulgaria and Romania remain under the visa obligation. In the dialogue with Australia the Commission has achieved access for all Member States to the "autogrant facility" and equal treatment for the nationals of all Member States from October 2008. Nevertheless, the implementation of the Australian eVisitors system will be monitored carefully. The negotiations for a short-stay visa waiver agreement between the European Community and Brazil have started, in order to achieve full visa reciprocity with Brazil.

No progress has been achieved with Japan, Panama, Singapore and the USA. On Singapore, the Commission regrets that a three month visa free stay for the citizens of the EU has not been granted, while Singaporean citizens enjoy a "three months within six months" visa-free stay in the EU. Furthermore the Commission observes that there is no indication that the visa waiver for the EU citizens will reach the level of the three countries enjoying a preferential treatment. (Australia, South Korea and the United States of America enjoy a preferential 90 day stay in Singapore. The Commission suggests that retaliatory measures should be introduced if within a reasonable time no full reciprocity has been achieved.

Regarding the USA, despite all efforts of the Commission and individual Member States and the promises by the USA to bring additional EU Member States in the VWP this year, no tangible progress has been made. The visa requirement is maintained for nationals of Bulgaria, the Czech Republic, Estonia, Greece, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland, Romania and Slovakia.

Therefore, the Commission will propose retaliatory measures e.g. temporary restoration of the visa requirement for U.S. nationals holding diplomatic and service/official passports ? as from 1 January 2009 if no progress has been achieved. With regard to the U.S. ESTA (Electronic System for Travel Authorization), the Commission will prepare a preliminary assessment on whether the travel authorization under the ESTA is tantamount to a visa requirement or not. It will publish a final assessment once the Final Rule is published in the Federal Register i.e. 60 days before its entry into force.

In view of the importance of achieving full reciprocity, the Commission hereby announces its intention to report to the European Parliament and Council again by not later than 30 June 2009, although formally, under Article 1(5) of Council Regulation (EC) No 851/2005, it is not obliged to present such a report until 30 June 2010.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

Council Regulation (EC) No 539/2001 of 15 March 2001, listing the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (Annex 1 to the Regulation, the "negative list") and those whose nationals are exempt from that requirement (Annex II to the Regulation, the "positive list"), is the basic instrument of our common visa policy, providing a reciprocity mechanism for cases where a third country on the positive list maintains or introduces a visa requirement for the citizens of one or more Member States.

The first four reports showed gradual progress achieved in solving non-reciprocity issues. The fifth visa reciprocity report of 19 October 2009 showed that only five third countries on the positive list still continued to require visas from citizens of one or more Member States.

On the same date, the Commission adopted an ad-hoc report on the re-imposition of the visa requirement by Canada for Czech citizens. For the first time a third country on the positive list had re-imposed a visa requirement for citizens of a Member State since the introduction of the new visa reciprocity mechanism in 2005. The Commission concluded that unless Canada were to take positive steps towards facilitating formalities for Czech citizens wishing to visit Canada and setting out a path of measures towards the restoration of visa-free travel for them by the end of 2009, the Commission would recommend imposing or re-imposing a visa requirement for certain categories of Canadian citizens.

The present sixth visa reciprocity report takes stock of the results of the efforts made since 19 October 2009.

Main conclusions: the implementation of the new visa reciprocity mechanism established in 2005 through Council Regulation (EC) No 851/2005 can be considered as satisfactory.

Australia and Japan now provide equal treatment of citizens of all Member States but final determination of full visa reciprocity awaits respectively further assessment of the eVisitor system and the permanent visa waiver for Romania.

With Brazil the European Union will sign very soon two visa waiver agreements ? one on ordinary passport holders, the other on holders of diplomatic, service or official passports ? which will ensure visa reciprocity. The Commission will endeavour an early ratification of these agreements by the European Union and monitor ratification by the Brazilian side.

Only a very limited number of "non reciprocity" cases subsist, two of which have specific characteristics:

- Brunei-Darussalam grants all EU citizens a visa waiver, but it is valid only for 30 days, renewable twice for 30 days; the Commission will continue efforts to establish full reciprocity although the current situation does not lead to problems for EU citizens;
- Canada has re-introduced the visa requirement for Czech citizens, in 2010 Canada has adopted a reform of its asylum system and agreed to review the visa regime with the Czech Republic before the new Canadian asylum legislation is implemented in the end of 2011. The Czech Republic is fully cooperating with Canada on agreed path of measures supporting this process. The steps indicated

by Canada with a goal to review the visa regime with the Czech Republic will be closely monitored by the Commission, in particular, the prompt and appropriate follow-up by Canada of its data-gathering mission to the Czech Republic expected to take place before the end of 2010. In case of a positive assessment the Commission expects Canada to lift visa obligation for Czech citizens.

- When addressing the other remaining cases of non-reciprocity, i.e. as regards the U.S. (visa requirement for Bulgaria, Cyprus, Romania and Poland) and Canada (visa requirement for Bulgaria and Romania), the EU is confronted with the limits of its reciprocity mechanism as set out in the current *acquis*. In these cases indeed Member States are considered by third countries not to meet objective criteria for visa waiver set out unilaterally by these third countries in their domestic legislation (e.g. not issuing biometric passports, not meeting thresholds set for visa refusal and/or overstay rates).

The Commission will continue to raise these issues at all relevant occasions and in all appropriate fora with the third countries concerned. At the same time, the Commission invites the European Parliament, the Council and the Member States to reflect on how to further address these cases of non-reciprocity.

Third countries whose nationals are subject to or exempt from a visa requirement (Visa Regulation)

This Commission communication addresses the state of play and possible ways forward as regards the situation of non-reciprocity with certain third countries in the area of visa policy and assessment of the effectiveness of the reciprocity mechanism provided for in Council Regulation (EC) No 539/2001.

Background: the reciprocity mechanism established by Regulation (EC) No 539/2001 as amended by Regulation (EU) No 1289/2013 of the European Parliament and of the Council, aims to ensure that EU citizens are subject to the same conditions when travelling to a third country as nationals of that third country are when travelling to the EU.

The reciprocity mechanism sets out a procedure starting with a situation of non-reciprocity with precise timeframes and actions to be taken with a view to ending a situation of non-reciprocity.

In a [communication](#) presented in April 2016, the Commission indicated that the vast majority of notified non-reciprocity cases involving eight third countries had been resolved. However, the communication recalled that, if the third country concerned had not lifted the visa requirement by 12 April 2016 under the reciprocity mechanism, the Commission was required to adopt a delegated act suspending for 12 months the visa exemption for nationals of that third country.

The European Parliament's [resolution](#) of 2 March 2017 on the Commission's visa reciprocity obligations invited the Commission to adopt a delegated act temporarily suspending the exemption from the visa requirement for nationals of third countries which have not lifted the visa requirement for citizens of certain Member States within a period of 24 months from the date of publication of the notifications in this regard.

In its follow-up [communication](#) of May 2017, the Commission defined its position following the European Parliament resolution. It considered that, in view of the progress made during the previous 12 months and of the work in progress, the adoption of a delegated act temporarily suspending the exemption from the visa requirement for nationals of Canada and the United States would have been counterproductive at that moment.

At the same time, the Commission committed to continue working closely with both the European Parliament and the Council, with Canada, the United States as well as with the Member States concerned to accelerate progress towards full visa reciprocity, and to report on the developments by the end of December 2017.

This Communication takes stock of progress achieved in this area since May 2017 in discussions with Canada and the United States, and reports that full visa reciprocity with Canada has now been achieved.

Recent developments and way ahead: the Commission welcomes that, in line with its earlier commitment, on 1 December 2017, Canada lifted the visa requirement for all Bulgarian and Romanian citizens. Full visa reciprocity has thus been achieved with Canada.

The Commission will continue to urge the United States to further cooperate, in the spirit of the Joint Statement adopted in June 2017, with the five Member States concerned and the Commission to accelerate progress towards full visa reciprocity. This should lead to intensified and concrete action on all sides. The Joint Statement confirmed commitments, such as preserving and expanding visa-free travel between the EU and the United States and stepping up efforts to improve cooperation with a view to assist Bulgaria, Croatia, Cyprus, Poland and Romania in advancing more rapidly towards the fulfilment of the requirements for the Visa Waiver Program.

The Commission also continues to consider that the adoption of a delegated act temporarily suspending the visa waiver for U.S. citizens would be counterproductive at this moment and would not serve to achieve the objective of visa-free travel for all EU citizens to the United States.

Assessment on effectiveness of the reciprocity mechanism: the Commission recognises the progress achieved since the adoption of the revised mechanism. Although this progress cannot solely be attributed to the mechanism, it does establish an instrument that allows for collective and coordinated EU action in non-reciprocity cases, and it is considered to have proven to be a useful tool towards some third countries.

Despite some procedural shortcomings, the mechanism has helped resolve the vast majority of cases of non-reciprocity over the past two and a half years. At this point in time, the Commission is not considering to bring forward a legislative proposal for the revision of the mechanism.

The Commission remains committed to working closely with the European Parliament and the Council on the way forward. It will report on the further developments to the European Parliament and the Council at the latest by autumn 2018.