










Procedure file

Basic information		
NLE - Non-legislative enactments	2015/0196(NLE)	Procedure completed
EU/Tonga Agreement: short-stay visa waiver		
Subject 6.40.09 Relations with Oceanian countries 7.10.04 External borders crossing and controls, visas		
Geographical area Tonga		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	 Civil Liberties, Justice and Home Affairs	 GABRIEL Mariya Shadow rapporteur  GUILLAUME Sylvie  STEVENS Helga  HYUSMENOVA Filiz  MICHEL Louis  VALERO Bodil	
	Committee for opinion	Rapporteur for opinion	Appointed
	 Foreign Affairs	The committee decided not to give an opinion.	
Council of the European Union	Council configuration	Meeting	Date
	General Affairs	3484	20/09/2016
European Commission	Commission DG	Commissioner	
	Migration and Home Affairs	AVRAMOPOULOS Dimitris	

Key events			
14/09/2015	Preparatory document	COM(2015)0433	Summary
21/10/2015	Legislative proposal published	12089/2015	Summary

02/12/2015	Committee referral announced in Parliament		
09/05/2016	Vote in committee		
18/05/2016	Committee report tabled for plenary, 1st reading/single reading	A8-0179/2016	Summary
08/06/2016	Results of vote in Parliament		
08/06/2016	Decision by Parliament	T8-0255/2016	Summary
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	2015/0196(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legal basis	Treaty on the Functioning of the EU TFEU 077-p2; Treaty on the Functioning of the EU TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/04507

Documentation gateway

Document attached to the procedure	COM(2015)0434	14/09/2015	EC	
Preparatory document	COM(2015)0433	14/09/2015	EC	Summary
Supplementary legislative basic document	12087/2015	20/10/2015	CSL	
Legislative proposal	12089/2015	21/10/2015	CSL	Summary
Committee draft report	PE573.180	11/03/2016	EP	
Committee report tabled for plenary, 1st reading/single reading	A8-0179/2016	18/05/2016	EP	Summary
Text adopted by Parliament, 1st reading/single reading	T8-0255/2016	08/06/2016	EP	Summary

Final act

[Decision 2016/1742](#)
[OJ L 264 30.09.2016, p. 0023](#) Summary

EU/Tonga Agreement: short-stay visa waiver

PURPOSE: to conclude the Agreement between the European Union and the Kingdom of Tonga 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.

In July 2014, the Commission presented a Recommendation to the Council to authorise it to start negotiations on visa waiver agreements with each of the following 17 countries: Dominica, Grenada, Kiribati, Marshall Islands, Micronesia, Nauru, Palau, Saint Lucia, Saint Vincent and the Grenadines, Samoa, Solomon Islands, Timor-Leste, Tonga, Trinidad and Tobago, Tuvalu, the United Arab Emirates and Vanuatu. On 9 October 2014, the Council addressed negotiating directives to the Commission

The negotiations on the visa waiver agreement with Tonga were opened on 19 November 2014 in Brussels. During that meeting the entire draft text could be reviewed and agreement was reached on all its aspects. After a number of subsequent informal exchanges, the agreement was initialled by an exchange of letters between the chief negotiators on 29 May 2015 (Tonga) and 10 June 2015 (Union).

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 the Kingdom of Tonga 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 Tonga 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 Tonga 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 Tonga 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 Tonga 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.

Territorial application: in the case of France and the Netherlands, the visa waiver would entitle nationals of Tonga 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/Tonga Agreement: short-stay visa waiver

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

In accordance with a Council Decision, the Agreement has been signed and is applied on a provisional basis.

It is now necessary to conclude the Agreement on behalf of the European Union.

CONTENT: under this proposed Decision, the Council is called upon to approve the Agreement between the European Union and the Kingdom of Tonga on the short-stay visa waiver is hereby approved on behalf of the Union.

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 further information concerning this Agreement, please refer to the summary of the initial legislative procedure dated 14.09.2015).

Territorial application: the provisions of the Agreement shall not apply to the United Kingdom nor to Ireland.

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.

EU/Tonga Agreement: short-stay visa waiver

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 the Kingdom of Tonga 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 20 November 2015 provides for visa-free travel for the citizens of the European Union and for the citizens of Tonga 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 constitutes simultaneously represents a culmination of the deepening of relations between the European Union and Tonga which is politically highly significant in the context of the Cotonou Agreement 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.

On an economic level, Tongas economy is based essentially on agriculture and fisheries (pumpkins and tuna), accounting for 20 % of GDP, and services, representing 60 % of GDP, including the progressively developing tourism sector.

As regards investment and trade relations, these are currently unstable and low in terms of value and value and in relative terms. The main products exported from this country are unprocessed agricultural products such as palm oil and sugar, and the main products imported are boats and ships, with a trade surplus for the Pacific. While EU trade relations with Tonga are relatively insignificant, they have strong potential for development. Moreover, Tonga has a large wind energy production capacity and 90 % of the 11th set of EDF appropriations for 2014-2020, amounting to EUR 11 million, is earmarked for renewable energy and energy efficiency.

On a political level, the Kingdom of Tonga has been a constitutional monarchy, since the first democratic elections in 2010. The EUs political dialogue with the various Pacific ACP countries and Tonga in particular is gradually increasing. Through a more structured dialogue, this Agreement may allow the EU to intensify our partnership, focusing on aspects such as abolition of the death penalty, combating violence against women and gender equality. The country has achieved considerable progress, as evidenced for example by the decision to ratify the Convention on the Elimination of all Forms of Discrimination against women. The visa exemption could send out a positive message of support for the country and the efforts it is making.

With regard to mobility, the information available indicates that confidence in visa applicants of Tonga is high and that few visa applications are rejected. In addition, migration flows have always been directed principally towards New Zealand, Australia and the United States and much less towards the EU. The country does not appear to present any threat in terms either of irregular migration, security or public policy.

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 Unions 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 Tonga 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 Parliaments room for manoeuvre.

EU/Tonga Agreement: short-stay visa waiver

The European Parliament adopted by 595 votes to 52, with 20 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 Kingdom of Tonga 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 Tonga 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/Tonga Agreement: short-stay visa waiver

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

NON-LEGISLATIVE ACT: Council Decision (EU) 2016/1742 on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Kingdom of Tonga on the short-stay visa waiver.

CONTENT: with this Decision, the Agreement between the European Union and Tonga 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 Tonga on the short-stay visa waiver. This Agreement was signed and is applied on a provisional basis since 21 November 2015.

The agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Tonga 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 Tonga 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 Tonga 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.