

# Procedure file

Basic information		
RSP - Resolutions on topical subjects	<a href="#">2016/2986(RSP)</a>	Procedure completed
Obligations in the field of visa reciprocity		
See also <a href="#">2000/0030(CNS)</a>		
Subject 7.10.04 External borders crossing and controls, visas		

Key players			
European Parliament	Committee responsible	Rapporteur	Appointed
	<b>LIBE</b> <a href="#">Civil Liberties, Justice and Home Affairs</a>		

Key events			
14/12/2016	Debate in Parliament		
02/03/2017	Results of vote in Parliament		
02/03/2017	Decision by Parliament	<a href="#">T8-0060/2017</a>	Summary
02/03/2017	End of procedure in Parliament		

Technical information	
Procedure reference	2016/2986(RSP)
Procedure type	RSP - Resolutions on topical subjects
Procedure subtype	Debate or resolution on oral question/interpellation
	See also <a href="#">2000/0030(CNS)</a>
Legal basis	Rules of Procedure EP 136-p5
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/8/09238

Documentation gateway					
Oral question/interpellation by Parliament		<a href="#">B8-1820/2016</a>	24/11/2016	EP	
Motion for a resolution		<a href="#">B8-0173/2017</a>	02/03/2017	EP	
Text adopted by Parliament, single reading		<a href="#">T8-0060/2017</a>	02/03/2017	EP	Summary
Follow-up document		<a href="#">COM(2017)0227</a>	02/05/2017	EC	Summary

## Obligations in the field of visa reciprocity

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The European Parliament adopted a resolution on obligations of the Commission in the field of visa reciprocity in accordance with Article 1(4) of Regulation (EC) No 539/2001.

The resolution had been tabled by the Committee on Civil Liberties, Justice and Home Affairs following a question to the Commission.

In 2013, Parliament and the Council adopted [Regulation 1289/2013](#) modifying, among other elements, the so called reciprocity mechanism of [Regulation 539/2001](#). The objective of this mechanism is 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. Its inherent logic entails measures of increasing severity vis-à-vis the third country concerned, including ultimately the suspension of the exemption from the visa requirement for all nationals of the third country concerned (second phase of application of the reciprocity mechanism).

The mechanism foresees, after intermediary steps, that if the third country has not lifted the visa requirement within 24 months of the date of publication of the notifications, the Regulation requires the Commission to adopt a delegated act temporarily suspending for 12 months the visa waiver for nationals of that third country.

Notifications of non-reciprocity by five Member States were published by the Commission on 12 April 2014. The Commission should have reacted to this before the 12 April 2016 but it has not taken any legal measure as yet.

The Commission contested the choice of delegated acts in the second phase of application of the reciprocity mechanism before the Court of Justice of the European Union. The Court considered however the choice of the legislator to be correct (Case C-88/14). Since then, Members considered that the mechanism clearly assigns obligations and responsibilities to Parliament and the Council and to the Commission in the different phases of the reciprocity mechanism.

On the basis of these elements, Parliament considered that the Commission was legally obliged 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, which ended on 12 April 2016.

The Commission is called on to adopt the required delegated act within two months from the date of adoption of this resolution at the latest.

## Obligations in the field of visa reciprocity

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This Communication is the Commission's position taken following the European Parliament Resolution of 2 March 2017 on obligations of the Commission in the field of visa reciprocity, in accordance with Article 1(4) of [Regulation \(EC\) No 539/2001](#).

In this non-legislative resolution, Parliament considered that the Commission was legally obliged to adopt a delegated act to temporarily suspend the exemption from the visa requirement for nationals of third countries which have not lifted the visa requirement for citizens of certain Member States by the deadline of 12 April 2016. It also called on the Commission to adopt the required delegated act within two months from the date of adoption of the resolution at the latest.

The Commission remains committed to achieving full visa reciprocity for all Member States. However, in the light of the progress made over the past year and the ongoing work, it considered that the adoption of a delegated act temporarily suspending the exemption from the visa requirement for nationals of Canada and the United States would be counterproductive at this moment and it would not serve to achieve the objective of visa free travel for all EU citizens.

The Commission highlighted the following points:

- Canada: the Canadian government announced the lifting of the visa requirement from 1 May 2017 for Bulgarian and Romanian citizens who have held a Canadian temporary resident visa in the past 10 years or who currently hold a valid United States non-immigrant visa.

An update on the state of play of the implementation of the lifting of the visa requirement was provided by Canada during the Joint Consultations on Migration and Asylum held on 28 April 2017 in Brussels between the Commission and Immigration, Refugees and Citizenship Canada. The Commission will remain in close contact with Bulgaria, Romania and Canada, both at technical and political level, to ensure that full visa reciprocity is achieved by 1 December 2017.

- United States: during the last months, political and technical contacts have been stepped up. Following a meeting with Minister of Homeland Security, John F. Kelly, in Washington on 8 February 2017, US Department of State interlocutors agreed to launch a result oriented process towards bringing the five Member States into the Visa Waiver Program.

The Commission considered that this process, which the Commission is handling in close cooperation with the five Member States concerned, is as things stand, the most appropriate way forward. In this context, it is essential to ensure that the European Union speaks with one voice on this important matter.

The Commission will continue to work closely with both the European Parliament and the Council to achieve full visa reciprocity and report on the further developments before the end of December 2017.