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 plans 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.