

Third countries whose nationals are subject to or exempt from a visa requirement: suspension mechanism

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The Committee on Civil Liberties, Justice and Home Affairs adopted the report by Agustín DÍAZ DE MERA GARCÍA CONSUEGRA (EPP, ES) on the proposal for a regulation of the European Parliament and of the Council amending 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 (revision of the suspension mechanism).

The committee recommended that the European Parliaments position adopted at first reading following the ordinary legislative procedure should amend the Commission proposal as follows:

Suspend the exemption from the visa requirement: it is proposed that, by way of derogation from Article 1(2) of Regulation (EC) No 539/2001, the exemption from the visa requirement for nationals of a third country listed in Annex II of the Regulation shall be temporarily suspended as a last resort, based on strict and objective data, for instance in cases where there is an increased risk or imminent threat to the public policy or internal security of Member States.

Examine the situation of human rights in the country concerned: the Commission should, before taking any decision to temporarily suspend a visa exemption for nationals of a third country, examine the situation of human rights in that third country. A robust set of guarantees and measures are needed to protect human rights, along with reports and statistics supplied by the European agencies and the competent law enforcement authorities.

Delegation of power: in order to ensure the adequate involvement of the European Parliament and of the Council in the application of the suspension mechanism, given the particularly sensitive political nature of the suspension of the exemption from the visa requirement for all the nationals of a third country listed in Annex II to Regulation (EC) No 539/2001 and its horizontal implications for the Member States, it is proposed that power should be delegated to the Commission to adopt acts in accordance with Article 290 of the Treaty of the Functioning of the European Union in respect of the decision temporarily suspending the application of Annex II to Regulation (EC) No 539/2001 in relation to the third country concerned.

Conferring such power on the Commission takes into account the need for political discussion on the Union policy on visas in the Schengen area. It should also reflect also the need to ensure adequate transparency and legal certainty in the application of the suspension mechanism to all the nationals of the third country concerned.

Against this background, the Commission should carry out appropriate consultations during its preparatory work, including at expert level and keep the European Parliament and the Council duly informed.

The delegated act shall determine a date on which the suspension of the application is to take effect. That amendment shall be made through inserting next to the name of the third country in question a footnote indicating that the exemption from the visa requirement is suspended.

Monitoring of the evaluation criteria used to assess visa liberalisation by third countries: the Commission shall monitor the continuous fulfilment of the specific criteria which were used to assess the appropriateness of a visa liberalisation by the third countries whose nationals are exempt from the visa requirement when travelling to the territory of Member States as a result of a successful conclusion of a visa liberalisation dialogue conducted between the Union and that third country. The report shall focus on third countries for which the Commission considers, based on concrete and reliable information, that certain criteria are no longer fulfilled.