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**A7-0014/2009**

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## **REPORT**

on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver  
(COM(2009)0053 – C7-0013/2009 – 2009/0017(CNS))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Simon Busuttil

### ***Symbols for procedures***

- \* Consultation procedure  
*majority of the votes cast*
- \*\*I Cooperation procedure (first reading)  
*majority of the votes cast*
- \*\*II Cooperation procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\* Assent procedure  
*majority of Parliament's component Members except in cases  
covered by Articles 105, 107, 161 and 300 of the EC Treaty and  
Article 7 of the EU Treaty*
- \*\*\*I Codecision procedure (first reading)  
*majority of the votes cast*
- \*\*\*II Codecision procedure (second reading)  
*majority of the votes cast, to approve the common position  
majority of Parliament's component Members, to reject or amend  
the common position*
- \*\*\*III Codecision procedure (third reading)  
*majority of the votes cast, to approve the joint text*

(The type of procedure depends on the legal basis proposed by the Commission.)

### ***Amendments to a legislative text***

In amendments by Parliament, amended text is highlighted in ***bold italics***. In the case of amending acts, passages in an existing provision that the Commission has left unchanged, but that Parliament wishes to amend, are highlighted in **bold**. Any deletions that Parliament wishes to make in passages of this kind are indicated thus: [...]. Highlighting in *normal italics* is an indication for the relevant departments showing parts of the legislative text for which a correction is proposed, to assist preparation of the final text (for instance, obvious errors or omissions in a given language version). Suggested corrections of this kind are subject to the agreement of the departments concerned.

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## **DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION**

**on the proposal for a Council decision on the conclusion of the Agreement between the European Community and the Federation of Saint Kitts and Nevis on the short-stay visa waiver**

**(COM(2009)0053 – C7-0013/2009 – 2009/0017(CNS))**

**(Consultation procedure)**

*The European Parliament,*

- having regard to the proposal for a Council decision (COM(2009)0053),
  - having regard to Article 62(2)(b)(i) and Article 300(2), first subparagraph, first sentence, of the EC Treaty,
  - having regard to Article 300(3), first subparagraph, of the EC Treaty, pursuant to which the Council consulted Parliament (C7-0013/2009),
  - having regard to Rules 55 and 90(8) of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0014/2009),
1. Approves conclusion of the Agreement;
  2. Instructs its President to forward its position to the Council and the Commission, and to the governments and parliaments of the Member States and of the Federation of Saint Kitts and Nevis.

## EXPLANATORY STATEMENT

Council Regulation (EC) No 1932/2006 amended 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 European Union (negative list), and those whose nationals are exempt from that requirement (positive list) by - inter alia - transferring six third countries from the negative to the positive list. These are **Antigua and Barbuda, the Bahamas, Barbados, Mauritius, Saint Kitts and Nevis and the Seychelles**. The Regulation also points out that the exemptions from the visa requirement for nationals of these countries should not come into force before a bilateral visa waiver agreement between the European Community and the countries in question has been concluded and entered into force. This Regulation was adopted on 21 December 2006 and entered into force in January 2007.

In the meantime, as from 15 January 2007, the CARICOM countries introduced a special visa regime for the nationals of several EU Member States (EU nationals were treated unequally as the citizens of the other Member States remained exempted from the visa obligation) due to the Cricket World Cup 2007 taking place in the Caribbean Community. The introduction of this visa requirement despite the favourable provisions of the new Community Regulation led to the postponement of the preparation of the draft mandates for negotiations with these third countries on the visa waiver.

Having regard to the expiry of the temporary visa regime on 15 May 2007, the Council authorised the Commission, on 5 June 2008, to negotiate an agreement between the European Community and Saint Kitts and Nevis on the short-stay visa waiver. Negotiations on the agreement were opened on 4 July 2008 and concluded on 16 October 2008. Subject to its possible conclusion at a later date, the Agreement initialled in Brussels on 19 November 2008, should be signed.

The final content of this agreement can be summarised as follows:

**Purpose:** this agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Saint Kitts and Nevis when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period.

The citizens of several Member States are already exempted from the visa obligation by Saint Kitts and Nevis. A provision has been included in the Agreement stating that Saint Kitts and Nevis may suspend or terminate the Agreement only in respect of all the Member States of the European Community and, reciprocally, the Community may also suspend or terminate the Agreement only in respect of all of its Member States. The specific situation of the United Kingdom and Ireland is reflected in the preamble.

**Scope:** the visa waiver covers all categories of persons (ordinary, diplomatic or service/official 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 Saint Kitts and Nevis remains free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Community 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.

**Duration of stay:** 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 Saint Kitts and Nevis to stay for three months on the territory of each of those Member States (Cyprus, Bulgaria, Romania), independently of the period calculated for the whole Schengen area.

**Territorial application:** in the case of France and the Netherlands, the visa waiver would entitle nationals of the six countries to stay only in those Member States' European territories.

## PROCEDURE

<b>Title</b>	Agreement between the EC and Saint Kitts and Nevis on the short-stay visa waiver	
<b>References</b>	COM(2009)0053 – C7-0013/2009 – 2009/0017(CNS)	
<b>Date of consulting Parliament</b>	5.6.2009	
<b>Committee responsible</b> Date announced in plenary	LIBE 14.7.2009	
<b>Committee(s) asked for opinion(s)</b> Date announced in plenary	DEVE 14.7.2009	
<b>Not delivering opinions</b> Date of decision	DEVE 21.7.2009	
<b>Rapporteur(s)</b> Date appointed	Simon Busuttil 29.9.2009	
<b>Previous rapporteur(s)</b>	Roberta Angelilli	
<b>Discussed in committee</b>	29.9.2009	30.9.2009
<b>Date adopted</b>	30.9.2009	
<b>Result of final vote</b>	+: 36	–: 2
	0: 0	
<b>Members present for the final vote</b>	Sonia Alfano, Vilija Blinkevičiūtė, Louis Bontes, Simon Busuttil, Philip Claeys, Cornelis de Jong, Agustín Díaz de Mera García Consuegra, Monika Flašíková Beňová, Hélène Flautre, Kinga Gál, Sylvie Guillaume, Ágnes Hankiss, Jeanine Hennis-Plasschaert, Salvatore Iacolino, Sophia in 't Veld, Lívia Járóka, Juan Fernando López Aguilar, Baroness Sarah Ludford, Monica Luisa Macovei, Clemente Mastella, Véronique Mathieu, Claude Moraes, Jacek Protasiewicz, Carmen Romero López, Csaba Sógor, Wim van de Camp, Axel Voss, Tatjana Ždanoka	
<b>Substitute(s) present for the final vote</b>	Magdi Cristiano Allam, Edit Bauer, Anna Maria Corazza Bildt, Nadja Hirsch, Franziska Keller, Petru Constantin Luhan, Norica Nicolai, Marie-Christine Vergiat, Cecilia Wikström	
<b>Substitute(s) under Rule 187(2) present for the final vote</b>	Judith A. Merkies	