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*Plenary sitting*

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**A8-0320/2015**

16.11.2015

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## **RECOMMENDATION**

on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Independent State of Samoa on the short-stay visa waiver  
(07195/2015 – C8-0146/2015 – 2015/0056(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Mariya Gabriel

***Symbols for procedures***

- \* Consultation procedure
- \*\*\* Consent procedure
- \*\*\*I Ordinary legislative procedure (first reading)
- \*\*\*II Ordinary legislative procedure (second reading)
- \*\*\*III Ordinary legislative procedure (third reading)

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

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## **DRAFT EUROPEAN PARLIAMENT 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 Independent State of Samoa on the short-stay visa waiver  
(07195/2015 – C8-0146/2015 – 2015/0056(NLE))**

### **(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (07195/2015),
  - having regard to the draft Agreement between the European Union and the Independent State of Samoa on the short-stay visa waiver (07127/2015),
  - having regard to the request for consent submitted by the Council in accordance with Article 77(2)(a) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0146/2015),
  - having regard to Rule 99(1), first and third subparagraphs, Rule 99(2) and Rule 108(7) of its Rules of Procedure,
  - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0320/2015),
1. Gives its consent to conclusion of the agreement;
  2. Instructs its President to forward its position to the Council, the Commission and the governments and parliaments of the Member States and of the Independent State of Samoa.

## SHORT JUSTIFICATION

### The framework of relations, and general provisions of the agreement

Relations between the European Union and the Independent State of Samoa are governed by the partnership agreement between members of the African, Caribbean and Pacific Group of States of the one part and the European Union and its Member States of the other part, known as the Cotonou Agreement.

As part of the amendment of Regulation (EC) No 539/2001 by Regulation no 509/2014 of the European Parliament and of the Council, the Independent State of Samoa was transferred to Annex II, which establishes the list of third countries whose nationals are exempt from the requirement to obtain visas in order to cross the external borders of the Member States. Regulation No 539/2001 – in its amended form – applies to all Member States, with the exception of Ireland and the United Kingdom.

After the adoption of this Regulation on 20 May 2014, the Council adopted on 9 October 2014 a decision authorising the Commission to open negotiations with a view to the conclusion of the bilateral agreement between the European Union and the Independent State of Samoa. The negotiations were launched on 19 November 2014 and concluded on 15 December 2014. The agreement was signed on 28 May 2015 in Brussels. Since that date, the agreement has applied provisionally, pending approval by the European Parliament.

The signed agreement provides for visa-free travel for the citizens of the European Union and for the citizens of the Independent State of Samoa 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.

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### Rapporteur's justification

This agreement on the waiver of short-stay visas simultaneously represents a culmination of the deepening of relations between the European Union and the Independent State of Samoa – 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.

Samoa has one of the most dynamic economies of all the Pacific islands. Two thirds of the work force are employed in agriculture, which accounts for 90% of exports. The EU is currently negotiating Comprehensive Economic Partnership Agreements with 14 Pacific countries, including Samoa. At present, the main fields of economic cooperation between the European Union and Samoa are development of the private sector, the water industry and the development of tourism. As regards commercial relations with Pacific States such as Samoa, the Union and its Member States mainly import farm products (such as palm oil and coffee) and fish products, and export electrical and mechanical equipment. Generally speaking, trade

and investment between the European Union and the Pacific countries remain weak both as regards their value and in relative terms, but they have strong potential for development. The rapporteur notes that the visa waiver agreement could in particular have a positive impact on investment and on the development of tourism.

The rapporteur notes that no EU Member State has a Consulate in Samoa, which means that at present Samoan nationals must incur substantial costs in order to apply for and obtain visas abroad. The visa waiver will therefore constitute a definite advantage for travel to the European Union for purposes of tourism or business.

Politically, the Independent State of Samoa has been a stable parliamentary democracy since it gained independence in 1962. Fundamental rights and freedoms are protected by the Constitution and generally respected in practice. The Union's political dialogue with the Independent State of Samoa focuses, on the one hand, on environmental issues and climate change and, on the other hand, on human rights and gender equality. This agreement will create additional opportunities to intensify cooperation with regard to human rights, including gender violence and domestic violence, to encourage efforts and bolster the results achieved in recent years.

With regard to mobility, the information available indicates that confidence in Samoan visa applicants is high, the rate of refusal of visas being low. Most migrants currently make the United States their destination, while very few of them go to the European Union. The country does not present any threat in terms either of irregular migration or of security and public policy.

Lastly, the rapporteur would stress the by no means negligible impact which the visa waiver will have on rapprochement between the peoples of Europe and the Pacific. The visa waiver agreement will enable citizens not only to derive full benefit from the ACP-EU partnership but also to participate in it by travelling at a reduced, economical and practical cost.

In this context, the rapporteur welcomes the role played by members of the ACP-EU Parliamentary Assembly, who did much to contribute to the conclusion of this agreement which, in addition, will facilitate their attendance at meetings of the ACP-EU JPA.

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#### Implementation and monitoring of the Agreement

As regards the implementation and monitoring of the agreement, the rapporteur calls on the Commission to observe any developments in relation to the criteria which initially led to the transfer from Annex I to Annex II of Regulation No 509/2014. These criteria include not only clandestine immigration, public policy and security, but also the Union's external relations with the third countries concerned including, in particular, considerations relating to human rights and fundamental freedoms.

In addition, the rapporteur calls on the Commission and the authorities of the Independent State of Samoa to ensure full reciprocity of the visa waiver, which should permit equal treatment of all citizens, particularly all citizens of the Union.

The rapporteur would draw attention to the fact that, within the Joint Committee for the

management of the agreement (Article 6), the European Union is represented only by the Commission. As an institution directly elected by European citizens, which defends democracy, human rights and the fundamental principles of the European Union, the European Parliament could be involved in the work of the Joint Committee. Parliament's rapporteur once again encourages the Commission to review the composition of the joint management committees for future agreements.

The also rapporteur queries the practice of signing visa waiver agreements and applying them provisionally before the European Parliament has approved them. The rapporteur observes that this practice is liable to reduce Parliament's room for manoeuvre and is all the more problematic because Parliament is not informed about them as the bilateral negotiations progress.

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### Specific provisions

The specific situation of the United Kingdom and Ireland is taken into account in the preamble to the agreement. Thus the United Kingdom and Ireland will not participate in the agreement which has been concluded and are not subject to its provisions.

The close association of Norway, Iceland, Switzerland and Liechtenstein with the implementation, application and development of the Schengen acquis is likewise reflected in a joint declaration annexed to the agreement. The declaration encourages the authorities of those countries to conclude bilateral agreements on a short-stay visa waiver with the Independent State of Samoa as soon as possible.

The agreement contains provisions related to its territorial application: in the case of France and the Netherlands, the provisions of the agreement apply only in those two Member States' European territories.

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Finally, the rapporteur recommends that the members of Parliament's Committee on Civil Liberties, Justice and Home Affairs support this report and that the European Parliament give its consent.



## RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

<b>Date adopted</b>	10.11.2015
<b>Result of final vote</b>	+: 51 -: 3 0: 0
<b>Members present for the final vote</b>	Martina Anderson, Heinz K. Becker, Malin Björk, Caterina Chinnici, Rachida Dati, Agustín Díaz de Mera García Consuegra, Frank Engel, Tanja Fajon, Laura Ferrara, Monika Flašíková Beňová, Lorenzo Fontana, Mariya Gabriel, Kinga Gál, Nathalie Griesbeck, Jussi Halla-aho, Filiz Hyusmenova, Iliana Iotova, Eva Joly, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Marju Lauristin, Juan Fernando López Aguilar, Monica Macovei, Vicky Maeijer, Roberta Metsola, Alessandra Mussolini, József Nagy, Péter Niedermüller, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Traian Ungureanu, Bodil Valero, Marie-Christine Vergiat, Udo Voigt, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Pál Csáky, Anna Hedh, Petr Ježek, Ska Keller, Miltiadis Kyrkos, Artis Pabriks, Maite Pagazaurtundúa Ruiz, Salvatore Domenico Pogliese, Christine Revault D'Allonnes Bonnefoy, Barbara Spinelli, Kazimierz Michał Ujazdowski, Axel Voss
<b>Substitutes under Rule 200(2) present for the final vote</b>	Francisco Assis, Eugen Freund

## FINAL ROLL-CALL VOTE IN COMMITTEE RESPONSIBLE

51	+
ALDE	Nathalie Griesbeck, Filiz Hyusmenova, Petr Ježek, Maite Pagazaurtundúa Ruiz, Cecilia Wikström
ECR	Jussi Halla-aho, Timothy Kirkhope, Monica Macovei, Helga Stevens, Kazimierz Michał Ujazdowski, Branislav Škripek
EFDD	Laura Ferrara
ENF	Lorenzo Fontana
GUE	Lucy Anderson, Malin Björk, Barbara Spinelli, Marie-Christine Vergiat
PPE	Heinz K. Becker, Pál Csáky, Rachida Dati, Agustín Díaz de Mera García Consuegra, Frank Engel, Mariya Gabriel, Kinga Gál, Barbara Kudrycka, Roberta Metsola, Alessandra Mussolini, József Nagy, Artis Pabriks, Salvatore Domenico Pogliese, Csaba Sógor, Traian Ungureanu, Axel Voss, Tomáš Zdechovský
S&D	Francisco Assis, Caterina Chinnici, Tanja Fajon, Monika Flašíková Beňová, Eugen Freund, Anna Hedh, Iliana Iotova, Sylvia-Yvonne Kaufmann, Miltiadis Kyrkos, Marju Lauristin, Juan Fernando López Aguilar, Luděk Niedermayer, Christine Revault D'Allonnes Bonnefoy, Birgit Sippel
VERTS	Eva Joly, Ska Keller, Bodil Valero

3	-
EFDD	Kristina Winberg
ENF	Vicky Maeijer
NI	Udo Voigt

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Key to symbols:

+ : in favour

- : against

0 : abstention