



Plenary sitting

A8-0321/2015

16.11.2015

RECOMMENDATION

on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and Saint Lucia on the short-stay visa waiver
(07187/2015 – C8-0145/2015 – 2015/0060(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 Saint Lucia on the short-stay visa waiver (07187/2015 – C8-0145/2015 – 2015/0060(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (07187/2015),
 - having regard to the draft agreement between the European Union and Saint Lucia on the short-stay visa waiver (07107/2015),
 - 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 (C8-0145/2015),
 - 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 (A8-0321/2015),
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 Saint Lucia.

SHORT JUSTIFICATION

The framework of relations, and general provisions of the Agreement

Relations between the European Union and Saint Lucia 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, and by CELAC-EU and EU-CARIFORUM dialogues. The Cotonou Agreement has resulted in the establishment of various cooperation instruments, including the EU-CARIFORUM Partnership Agreement (signed in 2008) and the Joint Caribbean-EU Strategic Partnership (2012).

As part of the amendment of Regulation (EC) No 539/2001 by Regulation no 509/2014 of the European Parliament and of the Council, Saint Lucia 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 Saint Lucia. The negotiations were launched on 12 November 2014 and concluded on 11 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 agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Saint Lucia when travelling to the territory of the other Contracting Party for a maximum period of 90 days in any 180-day period. A joint declaration on the interpretation of this period of 90 days is attached to the agreement. 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 Saint Lucia – 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.

Saint Lucia is a young country, with limited resources and a small population, which has nonetheless succeeded in attaining or even exceeding some of the Millennium Development Goals, thereby attesting to its commitment to fundamental rights. Although its economy is relatively small compared with that of other Caribbean countries and is mainly based on farming, and despite its vulnerability to external shocks, Saint Lucia is seeking to create an environment favourable to investment and development of the private sector. Saint Lucia is

one of the highest ranked Caribbean island countries in terms of the ease with which business can be done. The country is also increasingly trying to develop tourism, which is gradually replacing its previously flourishing agriculture. This being so, this agreement will make it possible to step up relations further between the two parties, to impart fresh impetus to trade and to dynamise tourism.

As regards the political and institutional situation, the country stresses its commitment to human rights and is committed to improving its machinery in this field. Civil and political rights and fundamental human rights and freedoms are protected by the Constitution and respected in the country. Saint Lucia is a stable, democratic country, which, like the European Union, defends the values and principles of democracy, good governance and respect for human rights and the rule of law. The country has made considerable progress with regard to gender equality, trafficking in persons and prostitution, with the adoption of legislation on the subject in 2010. The conclusion of this agreement will make it possible to **step up** cooperation and intensify **dialogue** in many fields, including that of human rights.

As regards mobility, the vast majority of Schengen visa applicants are regarded as travelling in good faith and not as presenting any risks, and they are generally granted short-stay visas, the visa refusal rate in 2014 being around 0.6%. It may be noted that, in 2014, 26% of applicants obtained multiple-entry visas, which indicates that the Schengen States have become more confident about them. Saint Lucia is therefore a country which does not present any risks of clandestine immigration into the EU or any threat to 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 Caribbean. 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 Saint Lucia 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. **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 Saint Lucia 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

Date adopted	10.11.2015
Result of final vote	+: 51 -: 3 0: 0
Members present for the final vote	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
Substitutes present for the final vote	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
Substitutes under Rule 200(2) present for the final vote	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, Branislav Škripek, Helga Stevens, Kazimierz Michał Ujazdowski,
EFDD	Laura Ferrara
EFN	Lorenzo Fontana
EPP	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
GUE	Lucy Anderson, Malin Björk, Barbara Spinelli, Marie-Christine Vergiat
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, Péter Niedermüller, Christine Revault D'Allonnes Bonnefoy, Birgit Sippel
VERTS	Eva Joly, Jan Keller, Bodil Valero

3	-
EFDD	Kristina Winberg
ENF	Vicky Maeijer
NI	Udo Voigt

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention