



Plenary sitting

A8-0322/2015

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 the Commonwealth of Dominica on the short-stay visa waiver
(07189/2015 – C8-0143/2015 – 2015/0050(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 Commonwealth of Dominica on the short-stay visa waiver
(07189/2015 – C8-0143/2015 – 2015/0050(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (07189/2015),
 - having regard to the draft Agreement between the European Union and the Commonwealth of Dominica on the short-stay visa waiver (07111/2015),
 - 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 (C8-0143/2015),
 - 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 (A8-0322/2015),
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 Commonwealth of Dominica.

SHORT JUSTIFICATION

The framework of relations, and general provisions of the agreement

Relations between the European Union and the Commonwealth of Dominica 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, the Commonwealth of Dominica 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 Commonwealth of Dominica. The negotiations were launched on 12 November 2014 and concluded on 9 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 the Commonwealth of Dominica 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 Commonwealth of Dominica – 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.

Dominica's economy is mainly based on agriculture, which on average accounted for 11% of the country's GDP between 2000 and 2010. Dominica, which is a small island developing country, is making considerable efforts to diversify its economy and has real potential for growth, particularly in tourism and the production of geothermal energy. This agreement will dynamise tourism and help to intensify trade and investment relations. Visa liberalisation will simplify travel for businesspeople, facilitate investment and intensify economic links among

businesses.

As regards the political and institutional situation, the country is completely committed to human rights, which are guaranteed by the Constitution and deeply rooted in the culture, traditions and way of life of the people. Civil and political rights are guaranteed by the Constitution and respected in the country. Dominica 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 great progress in recent years, particularly as regards women's and children's rights and trafficking in human beings, with the ratification in 2013 of the Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime. The government has also reviewed all the country's legislation on violence against women and children with the aim of making certain provisions more stringent, and is continuing its efforts to raise public awareness of this problem. It is therefore vital to intensify our relations with this country – the European Union currently remains Dominica's biggest aid donor – and to encourage the country to continue on the same path.

With regard to mobility, the information available indicates that confidence in visa applicants is high, the rate of refusal of visas being low. The country does not present any threat in terms either of irregular migration or of security and public policy. The European Union has joined Dominica in committing itself to fight criminal networks.

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 Dominica 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 the Commonwealth of Dominica 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	+: 45 -: 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, Tanja Fajon, 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, Csaba Sógor, Helga Stevens, Traian Ungureanu, Bodil Valero, Udo Voigt, Cecilia Wikström, Kristina Winberg
Substitutes present for the final vote	Pál Csáky, Anna Hedh, Petr Ježek, Ska Keller, 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

45	+
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
EFDD	
ENF	Lorenzo Fontana
GUE	Martina Anderson, Malin Björk, Barbara Spinelli
PPE	Heinz K. Becker, Pál Csáky, Rachida Dati, Agustín Díaz de Mera García Consuegra, Mariya Gabriel, Kinga Gál, Barbara Kudrycka, Roberta Metsola, Alessandra Mussolini, József Nagy, Artis Pabriks, Salvatore Domenico Pogliese, Csaba Sógor, Traian Ungureanu, Axel Voss
S&D	Francisco Assis, Caterina Chinnici, Tanja Fajon, Monika Flašíková Beňová, Eugen Freund, Anna Hedh, Iliana Iotova, Sylvia-Yvonne Kaufmann, Marju Lauristin, Juan Fernando López Aguilar, Péter Niedermüller, Christine Revault D'Allonnes Bonnefoy, Birgit Sippel
VERTS/ALE	Eva Joly, Ska Keller, Bodil Valero

3	-
EFDD	Kristina Winberg
ENF	Vicky Maejjer
NI	Udo Voigt

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention