



Plenary sitting

A8-0327/2015

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 Democratic Republic of Timor-Leste on the short-stay visa waiver (07194/2015 – C8-0147/2015 – 2015/0058(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 Democratic Republic of Timor-Leste on the short-stay visa waiver
(07194/2015 – C8-0147/2015 – 2015/0058(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (07194/2015),
 - having regard to the draft Agreement between the European Union and the Democratic Republic of Timor-Leste on the short-stay visa waiver (07125/2015),
 - 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 (C8-0147/2015),
 - 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 (A8-0327/2015),
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 Timor-Leste.

SHORT JUSTIFICATION

The framework of relations, and general provisions of the agreement

Relations between the European Union and the Democratic Republic of Timor-Leste 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, to which the Democratic Republic of Timor-Leste acceded shortly after gaining independence. The most recent political dialogue with Timor-Leste was held in Brussels on 16 October 2014, when it was decided to facilitate cooperation over visa regimes.

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 Democratic Republic of Timor-Leste 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 Democratic Republic of Timor-Leste. The negotiations were launched on 19 November 2014 and concluded on 15 December 2014. The agreement was signed on 26 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 Democratic Republic of Timor-Leste 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 Democratic Republic of Timor-Leste – 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.

The short-stay visa waiver agreement represents an opportunity to intensify economic relations and develop tourism. Tourism in particular is a key sector for the development of Timor-Leste, which may attract European citizens both as tourists and as investors. The EU currently ranks third among the trade partners of the Pacific countries, behind Australia and China. Despite that, the EU remains in sixth place in the league table of exporters to Timor-

Leste. The visa waiver is therefore an additional incentive for European entrepreneurs and investors.

This agreement is also politically important at regional level, serving to enhance the position of the European Union as a partner of the countries in the Pacific region and with a view to the accession of Timor-Leste to ASEAN, with which the Union has announced the intention of stepping up its strategic partnership.

The rapporteur also notes that Timor-Leste has undergone very rapid and praiseworthy democratic stabilisation since gaining independence. The country also entered into a partnership with the European Union as soon as it became independent, since when mutual relations have been of high quality. The 2012 electoral observation mission welcomed the fact that, to a very large extent, the recommendations of the previous mission in 2007 had been taken into account, and also welcomed the efforts to root a democratic culture in the country, as well as the peaceful and inclusive manner in which the electoral process had taken place. Moreover, the national indicative programme for the 11th EDF stresses reinforcing State institutions and good governance. On the subject of human rights, it may be noted that fundamental rights and freedoms are protected by the Constitution. The political dialogue between the European Union and Timor-Leste on this subject is concerned with human rights, freedom of the press and gender equality, particularly combating domestic violence.

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 therefore granted short-stay visas: in 2014, of 773 applications for short-stay visas for the Schengen area, only 4.5% were rejected. A very low refusal rate and the limited number of applications are two factors which make it possible both to discount any security risks and at the same time to perceive the benefits of a visa waiver.

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 Timor-Leste 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 Democratic Republic of Timor-Leste 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	+: 50 -: 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, 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

50	+
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	Martina 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, Christine Revault D'Allonnes Bonnefoy, Birgit Sippel
VERTS/ALE	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