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*Plenary sitting*

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**A8-0177/2016**

18.5.2016

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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 Republic of Palau on the short-stay visa waiver

(12080/2015 – C8-0400/2015 – 2015/0193(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 Republic of Palau on the short-stay visa waiver  
(12080/2015 – C8-0400/2015 – 2015/0193(NLE))**

**(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (12080/2015),
  - having regard to the draft Agreement between the European Union and the Republic of Palau on the short-stay visa waiver (12077/2015),
  - 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 (C8-0400/2015),
  - 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 (A8-0177/2016),
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 Republic of Palau.

## SHORT JUSTIFICATION

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

Relations between the European Union and the Republic of Palau 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 Republic of Palau 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 Republic of Palau. Negotiations commenced on 17 December 2014 and ended on 27 May 2015 (Palau) and 10 June 2015 (Union). The agreement was signed on 7 December 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 Palau 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 constitutes simultaneously represents a culmination of the deepening of relations between the European Union and the Republic of Palau 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 rapporteur notes that the visa waiver agreement could have positive effects by simplifying travel for businesspeople, facilitating investment and boosting tourism. Palau's economy is based primarily on the service sector, which accounts for 86 % of GDP, with a booming tourism sector, thanks also to the increase of the number of flights serving the island. Palau has one of the highest standards of living of the Pacific. Relations with the EU have strengthened since the admission in 2000 of Palau an ACP country. While investment and trade with Palau are currently unstable and low in terms of value and value and in relative terms, they have strong potential for development. The EU is currently negotiating Comprehensive Economic Partnership Agreements with 14 Pacific countries, including Palau. Fishing, shellfish farming and tourism represent key

development sectors. Furthermore, Palau has announced its intention of obtaining 20 % its energy from renewable resources by 2020 and the government has launched economic diversification measures in order to reduce dependence on external aid.

Politically, Palau is a democratic republic completely committed to human rights, which are guaranteed under the Constitution. Palau, like the European Union, embraces the values and principles of democracy and good governance and upholds human rights and the rule of law. The country has made great progress in recent years, particularly as regards women's rights and human trafficking. It has adopted legislation specifically relating to human trafficking and has become a member of the International Labour Organisation. Regarding gender equality, more women are now to be found in administrative posts and elected office. Similarly, Palau has signed all the international conventions on human rights, and is receiving EU support to ratify and implement them. The current political dialogue between the EU and Palau is focused on human rights and gender equality, and both parties are discussing how to collaborate more closely on these issues. In this context, the agreement represents a significant step towards more regular and enhanced political dialogue.

With regard to mobility, the information available indicates that confidence in visa applicants from Palau is high and that few visa applications are rejected, the rate of refusal of visas being low. In 2014, no nationals of Palau were arrested in the EU for being illegally resident, refused entry at the EU border or returned. No asylum applications were lodged by citizens of Palau. 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 respect for human rights and fundamental freedoms.

In addition, the rapporteur calls on the Commission and the authorities of Palau 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 involvement 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 as quickly as possible with the Republic of Palau bilateral agreements on the short-stay visa waiver in terms similar to those of this Agreement.

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>	9.5.2016
<b>Result of final vote</b>	+: 45 -: 4 0: 0
<b>Members present for the final vote</b>	Caterina Chinnici, Ignazio Corrao, Agustín Díaz de Mera García Consuegra, Frank Engel, Cornelia Ernst, Mariya Gabriel, Kinga Gál, Jussi Halla-aho, Monika Hohlmeier, Sylvia-Yvonne Kaufmann, Timothy Kirkhope, Barbara Kudrycka, Cécile Kashetu Kyenge, Marju Lauristin, Monica Macovei, Roberta Metsola, Péter Niedermüller, Soraya Post, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Bodil Valero, Harald Vilimsky, Beatrix von Storch, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský
<b>Substitutes present for the final vote</b>	Janice Atkinson, Pál Csáky, Gérard Deprez, Petr Ježek, Teresa Jiménez-Becerril Barrio, Ska Keller, Miltiadis Kyrkos, Jean Lambert, Gilles Lebreton, Jeroen Lenaers, Nuno Melo, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Petri Sarvamaa, Barbara Spinelli, Josep-Maria Terricabras, Róza Gräfin von Thun und Hohenstein, Axel Voss
<b>Substitutes under Rule 200(2) present for the final vote</b>	Karl-Heinz Florenz, Georgi Pirinski

## FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

45	+
ALDE	Gérard Deprez, Petr Ježek, Maite Pagazaurtundúa Ruiz, Morten Helveg Petersen, Cecilia Wikström
ECR	Jussi Halla-aho, Timothy Kirkhope, Monica Macovei, Branislav Škripek, Helga Stevens
EFDD	Ignazio Corrao, Von Storch
GUE/NGL	Cornelia Ernst, Barbara Spinelli
PPE	Pál Csáky, Agustín Díaz de Mera García Consuegra, Frank Engel, Karl-Heinz Florenz, Mariya Gabriel, Kinga Gál, Monika Hohlmeier, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Jeroen Lenaers, Nuno Melo, Roberta Metsola, Petri Sarvamaa, Csaba Sógor, Róza Gräfin von Thun und Hohenstein, Axel Voss, Tomáš Zdechovský
S&D	Caterina Chinnici, Sylvia-Yvonne Kaufmann, Cécile Kashetu Kyenge, Miltiadis Kyrkos, Marju Lauristin, Péter Niedermüller, Georgi Pirinski, Soraya Post, Birgit Sippel, Josef Weidenholzer
Verts/ALE	Ska Keller, Jean Lambert, Josep-Maria Terricabras, Bodil Valero

4	-
EFDD	Kristina Winberg
ENF	Janice Atkinson, Gilles Lebreton, Harald Vilimsky

0	0

### Key to symbols:

+ : in favour

- : against

0 : abstention