



Plenary sitting

A8-0178/2016

18.5.2016

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 Colombia on the short-stay visa waiver
(12095/2015 – C8-0390/2015 – 2015/0201(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 Colombia on the short-stay visa waiver
(12095/2015 – C8-0390/2015 – 2015/0201(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (12095/2015),
 - having regard to the draft Agreement between the European Union and the Republic of Colombia on the short-stay visa waiver (12094/2015),
 - 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 (C8-0390/2015),
 - 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 (A8-0178/2016),
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 Colombia.

SHORT JUSTIFICATION

General Conditions of the 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 Colombia 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.

Recital 5 of the amending Regulation 509/2014 indicates the need for a further evaluation of the situation in the light of the criteria set out in Article 1 of that Regulation, before opening negotiations on bilateral visa waiver agreements with Colombia. In October 2014, the Commission adopted a report¹ accompanied by a working document² broadly assessing the situation of Colombia against these criteria and also assessed the risk scenarios possibly resulting from visa liberalisation.

Given the generally favourable assessment of the situation regarding Colombia, the Council adopted on 19 May 2015 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 Colombia. The negotiations were held on 20 May 2015 and the agreement was initialled by the chief negotiators on 9 June 2015. An official ceremony was held on the occasion of the EU-CELAC Summit on 10 June 2015. The agreement was signed on 02 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 Colombia 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 marks a significant milestone in the deepening of relations between the European Union and the Republic of Colombia 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 Agreement will also strengthen regional coherence, given that Colombia is one of the minority of Latin American countries whose nationals still need a visa and is of considerable importance in bringing the peoples of Europe and Colombia closer together.

Colombia is the EU's fourth most important economic partner in the region, with a trade volume of EUR 11 884 billion. The EU is Colombia's second trade partner. External trade

¹ COM(2014) 665 of 29.10.2014.

² SWD(2014) 329 final

represents around 20 % of GDP. The visa waiver will simplify conditions for travel by businesspeople, strengthen economic links among businesses and facilitate investments. The Republic of Colombia is one of the most dynamic and open economies in the region. It is experiencing strong growth (+ 20 % growth between 2009 and 2013 and + 4% in 2014) owing to the scale of its natural and agricultural resources and the development of mining and hydrocarbon sectors, which are increasingly attracting investment. In this context, this agreement will make it possible to step up relations between the two parties and to impart fresh impetus to trade. In addition, the number of Colombian tourists in the EU has increased in the past years (increase of 5 % annually). A number of European companies have already invested heavily in tourist and hotel infrastructure, particularly in the regions of Santa Marta, Cartagena and San Andrés. Visa liberalisation is likely to further increase tourist flows between the two, as well as investment in tourism.

As regards the political and institutional situation, the Republic of Colombia is one of the oldest recognised democracies and is relatively stable. The political dialogue between the EU and Colombia is based on the 1996 Rome Declaration, and a protocol signed in 2009. It is strengthened and institutionalised through the political dialogue and cooperation agreement concluded between the EU and the countries of the Andean Community. Because of the protracted internal conflict with the FARC guerrillas, the human rights situation in Colombia has been the focus of EU attention as part of the institutional dialogue on human rights since 2008. Some progress has been made, in particular through the implementation of the Law on Victims and Land Restitution of June 2011 and the peace negotiations between the Government and FARC in Havana since November 2012, which could lead soon to the conclusion of a final peace agreement. The visa facilitation agreement will make it possible to cooperate further in the field of human rights and to pursue a balanced, regular, in-depth political dialogue on more specific issues such as impunity, human rights defenders and security for women and children in armed conflicts, issues which remain priorities for the Union.

In terms of mobility, data regarding entry refusals, arrests and returns show that irregular migration is a risk factor. At the same time, however, a marked improvement regarding the situation in Colombia has been observed. In 2014, the vast majority of Schengen visa applicants were granted short-stay visas, the rejection rate being around 4.3 %, down by more than half since 2010. Moreover, 69.3% of applicants obtained multiple-entry visas in 2014, compared with 40.9% in 2013, which is indicative of greater trust the part of the Member States. The return ratio has also significantly improved since 2010. The rapporteur notes the importance of enhancing the cooperation agreement between the EU and Colombia concerning irregular migration.

The agreement also contains a joint declaration on cooperation with regard to irregular immigration in which the EU and Colombia reaffirm their undertakings regard to the readmission of irregular migrants.

Colombia may also become a key partner in the field of security and the fight against organised crime, including drug trafficking, which can represent an important aspect of cooperation. The signing of an agreement on strategic cooperation with the European Police Office (Europol) is a significant step forward in the strengthening of cooperation between the EU and Colombia in the fight against organised crime and indicates a willingness to continue cooperation in this field. These are all challenges faced by the European Union and the

Republic of Colombia alike, showing how important and necessary it is to enhance cooperation by means of a short-stay visa waiver agreement.

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 Colombia 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 as quickly as possible with the Republic of Colombia of 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.

ANNEX: LETTER FROM THE COMMITTEE ON FOREIGN AFFAIRS

Ref.: D(2016)11292

Mr Claude MORAES

Chair of the Committee on Civil Liberties,

Justice and Home Affairs (LIBE)

Dear Mr Moraes,

The coordinators of the Foreign Affairs Committee decided on 1 February to convey the Committee's opinion on the Council Decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and the Republic of Colombia on the short-stay visa waiver (2015/0201(NLE)) in the form of a letter by the Chair.

The Foreign Affairs Committee supports the conclusion of the visa waiver agreement as an important element in our efforts to further deepen the relations between the EU and Colombia. Colombia is a key partner in Latin America and a country that has seen substantial improvements in its economic, social and security situation. The current peace negotiations between the Colombian government and the FARC guerrillas promise to end the decades-long civil conflict, which is the region's longest-lasting. The EU has signalled its full support to the peace process and stands ready to provide substantial assistance in the post-conflict phase. The agreement on the visa waiver programme, too, could help Colombia by furthering people-to-people relations between the citizens of our two territories.

However, it is vital that Parliament ensure that organised criminal groups do not benefit from such an agreement, given the potentially negative effects on Europe's and Colombia's security. As the Commission points out in its report on the fulfilment by Colombia of the relevant criteria (COM(2014)665), these groups might take advantage of the lifting of the visa

requirement, for instance by increasingly relying on drug and money couriers. Moreover, there is a risk of an increase in human trafficking.

The Commission should closely monitor the situation and keep Parliament informed about the effects of the visa waiver agreement on criminal groups' activities. Moreover, the European Parliament should insist on the need to strengthen the cooperation between the EU and the Colombian authorities in the fight against organised crime, including in the framework of the operational agreement between Europol and Colombia.

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We would deem it appropriate that these concerns be voiced when Parliament expresses its position on this issue, all the while advocating for giving consent to the agreement and for closer relations with Colombia.

Yours sincerely,

Elmar Brok

RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

Date adopted	9.5.2016
Result of final vote	+: 44 -: 4 0: 0
Members present for the final vote	Caterina Chinnici, 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
Substitutes present for the final vote	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, Josef Weidenholzer
Substitutes under Rule 200(2) present for the final vote	Karl-Heinz Florenz, Georgi Pirinski

**FINAL VOTE BY ROLL CALL
IN COMMITTEE RESPONSIBLE**

44	+
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	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 Kshetu 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