



Plenary sitting

A8-0179/2016

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 Kingdom of Tonga on the short-stay visa waiver
(12089/2015 – C8-0374/2015 – 2015/0196(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 Kingdom of Tonga on the short-stay visa waiver
(12089/2015 – C8-0374/2015 – 2015/0196(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (12089/2015),
 - having regard to the draft Agreement between the European Union and the Kingdom of Tonga on the short-stay visa waiver (12087/2015),
 - 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 (C8-0374/2015),
 - 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 (A8-0179/2016),
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 Kingdom of Tonga.

SHORT JUSTIFICATION

The framework of relations, and general provisions of the agreement

Relations between the European Union and the Kingdom of Tonga 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 Kingdom of Tonga 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 Kingdom of Tonga. Negotiations commenced on 19 November 2014 and ended on 29 May 2015 (Tonga) and 10 June 2015 (Union). The agreement was signed on 20 November 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 Tonga 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 Kingdom of Tonga 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.

Tonga's economy is based essentially on agriculture and fisheries (pumpkins and tuna), accounting for 20 % of GDP, and services, representing 60 % of GDP, including the progressively developing tourism sector. Investment and trade with Tonga are currently unstable and low in terms of value and value and in relative terms. The main products exported from this country are unprocessed agricultural products such as palm oil and sugar, and the main products imported are boats and ships, with a trade surplus for the Pacific. While EU trade relations with Tonga are relatively insignificant, they have strong potential for development. The EU is currently negotiating Comprehensive Economic Partnership

Agreements with 14 Pacific countries, including the Kingdom of Tonga. Moreover, the Kingdom of Tonga has a large wind energy production capacity and 90 % of the 11th set of EDF appropriations for 2014-2020, amounting to EUR 11 million, is earmarked for renewable energy and energy efficiency. The Government of Tonga has also adopted incentives to increase the involvement of the private sector in the economy. The rapporteur notes that the visa waiver agreement could in particular have a positive impact on investment and on the development of tourism.

Politically speaking, the Kingdom of Tonga has been a constitutional monarchy, since the first democratic elections in 2010. The EU's political dialogue with the various Pacific ACP countries and Tonga in particular is gradually increasing. The EU has drawn up a draft regional roadmap for civil society organisations (CSOs) in the Pacific for the purpose of ensuring a more structured and effective dialogue with them. It works with regional organisations and civil society to reinforce the protection of human rights by organising awareness-raising activities on issues such as the death penalty and the freedom of religion and belief. This agreement may allow us to intensify our partnership, focusing on aspects such as abolition of the death penalty, combating violence against women and gender equality. The country has achieved considerable progress, as evidenced for example by the decision to ratify the Convention on the Elimination of all Forms of Discrimination against women. The visa exemption could send out a positive message of support for the country and the efforts it is making.

With regard to mobility, the information available indicates that confidence in visa applicants of Tonga is high and that few visa applications are rejected. In 2014, five Tongan nationals were arrested for being illegally resident, five were refused entry at the EU border and ten were returned. No asylum applications were lodged by citizens of Tonga. Finally, migration flows have always been directed principally towards New Zealand, Australia and the United States and much less towards the EU. The country does not appear to present any threat in terms either of irregular migration, security or 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 Tonga 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 rapporteur also 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 Kingdom of Tonga 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.

RESULT OF FINAL VOTE IN COMMITTEE RESPONSIBLE

Date adopted	9.5.2016
Result of final vote	+: 45 -: 4 0: 0
Members present for the final vote	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
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

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	Von Storch, Ignazio Corrao
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