



Plenary sitting

A8-0197/2016

2.6.2016

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 Peru on the short-stay visa waiver
(12099/2015 – C8-0143/2016 – 2015/0199(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 Peru on the short-stay visa waiver
(12099/2015 – C8-0143/2016 – 2015/0199(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (12099/2015),
 - having regard to the draft Agreement between the European Union and the Republic of Peru on the short-stay visa waiver (12097/2015),
 - 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 (C8-0143/2016),
 - 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 (A8-0197/2016),
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 Peru.

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 Peru 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 amending Regulation No 509/2014 highlights the need to further assess the situation with regard to the criteria set out in Article 1 of that Regulation before the opening of negotiations on bilateral visa waiver agreements with Peru. In October 2014, the Commission adopted a report¹ accompanied by a working document² broadly assessing the situation of Peru against these criteria and assessing the risk scenarios possibly resulting from visa liberalisation.

Given the generally favourable assessment of the situation regarding Peru, 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 Peru. 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 14 March 2016 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 Peru 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 Peru 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 strengthen regional coherence, given that Peru is one of the minority of Latin American countries whose nationals still need a visa, and will have a significant impact on rapprochement between the peoples of Europe and Peru.

This agreement will boost tourism and help to intensify trade and investment relations. Peru

¹ COM(2014) 663, 29.10.2014.

² SWD(2014) 328 final.

has recorded one of the highest rates of economic growth in Latin America (5% in 2013, 2.4% in 2014). Economic growth in Peru over the past 10 years has been in excess of 80%, putting it in the top 10 countries worldwide by this measure. As regards trade, the EU is the Peru's third-largest trade partner in terms of imports (mainly machinery and transport equipment) and the principal destination of its exports (agri-food and mining products). Furthermore, the EU continues to be the biggest investor in Peru, accounting for over 50% of total foreign direct investment in sectors such as the extractive industries, banking and finance. The country is promoting numerous investment projects, particularly in infrastructure in the water, transport and energy sectors. Peru is still very dependent on its mining sector, but is making efforts to diversify and focus more on tourism. Indeed, the tourism sector has been growing very strongly, and in 2012 became the second biggest sector of the Peruvian economy.

As regards the political and institutional situation, the Republic of Peru is a relatively stable democracy which, like the European Union, upholds the values and principles of democracy, good governance, respect for human rights and the rule of law, and in this sense is an important partner in Latin America. Human rights and democracy are essential elements in EU-Peru relations. The consolidation of democracy and human rights remains a priority for Peru and the visa liberalisation agreement will make it possible to pursue a balanced, regular, in-depth political dialogue on human rights and on specific issues such as the situation of women.

On the question of mobility, data on entry refusals, arrests and returns shows that irregular migration has been a risk factor in recent years in the case of Peru. At the same time, however, a marked improvement regarding the situation has been observed. The vast majority of Schengen visa applicants were granted short-stay visas, the rejection rate being around 6.1% in 2014 and 3.0% in 2015. In addition, 43% of applicants were granted multiple-entry visas in 2014. These figures reflect the Member States' increased trust in the applicants. The return ratio has also improved since 2010, with the Peruvian Government continuing its efforts in this area. Initial difficulties with the introduction of biometric passports have been overcome, but the process will need to be carefully monitored. The rapporteur notes the importance of enhancing cooperation between the EU and Peru over irregular migration. The agreement also contains a joint declaration on cooperation on illegal immigration, in which the EU and Peru stress their commitment regarding the readmission of their irregular migrants. The rapporteur welcomes the information campaign which the Peruvian Government is carrying out in Peru to explain to its citizens the key provisions of the visa waiver agreement, which may help to tackle irregular migration.

Peru may also become a key partner in the fight against organised crime, including drug trafficking and human trafficking, which can be important areas of cooperation. The interest which Peru has shown in signing a strategic cooperation agreement with European Police Office (Europol) is a positive sign and one which could mark significant progress in enhancing cooperation between the EU and Peru on tackling organised crime. These are all challenges faced by the European Union and the Republic of Peru alike, and they underline the importance and necessity of enhancing 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 Peru 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 bilateral agreements with the Republic of Peru on a short-stay visa waiver, on terms similar to those of this agreement, 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

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| Date adopted | 24.5.2016 |
| Result of final vote | +: 50 -: 1 0: 0 |
| Members present for the final vote | Jan Philipp Albrecht, Martina Anderson, Malin Björk, Caterina Chinnici, Rachida Dati, Agustín Díaz de Mera García Consuegra, Laura Ferrara, Monika Flašíková Beňová, Lorenzo Fontana, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Sophia in 't Veld, Iliana Iotova, Sylvia-Yvonne Kaufmann, Barbara Kudrycka, Cécile Kashetu Kyenge, Marju Lauristin, Monica Macovei, Barbara Matera, Claude Moraes, Soraya Post, Judith Sargentini, Birgit Sippel, Branislav Škripek, Csaba Sógor, Helga Stevens, Traian Ungureanu, Bodil Valero, Udo Voigt, Beatrix von Storch, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský |
| Substitutes present for the final vote | Laura Agea, Marina Albiol Guzmán, Hugues Bayet, Carlos Coelho, Pál Csáky, Teresa Jiménez-Becerril Barrio, Jeroen Lenaers, Nuno Melo, Angelika Mlinar, Artis Pabriks, Maite Pagazaurtundúa Ruiz, Emil Radev, Barbara Spinelli, Axel Voss |
| Substitutes under Rule 200(2) present for the final vote | Miroslav Poche |

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

| 50 | + |
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| ALDE | Nathalie Griesbeck, Sophia in 't Veld, Angelika Mlinar, Maite Pagazaurtundúa Ruiz, Cecilia Wikström, |
| ECR | Monica Macovei, Branislav Škripek, Helga Stevens |
| EFDD | Laura Agea, Laura Ferrara, Kristina Winberg, Beatrix von Storch |
| EFN | Lorenzo Fontana |
| GUE/NGL | Marina Albiol Guzmán, Martina Anderson, Malin Björk, Barbara Spinelli |
| PPE | Carlos Coelho, Pál Csáky, Rachida Dati, Kinga Gál, Monika Hohlmeier, Teresa Jiménez-Becerril Barrio, Barbara Kudrycka, Jeroen Lenaers, Barbara Matera, Nuno Melo, Artis Pabriks, Emil Radev, Csaba Sógor, Traian Ungureanu, Axel Voss, Tomáš Zdechovský |
| S&D | Hugues Bayet, Caterina Chinnici, Monika Flašíková Beňová, Ana Gomes, Sylvie Guillaume, Iliana Iotova, Sylvia-Yvonne Kaufmann, Cécile Kashetu Kyenge, Marju Lauristin, Claude Moraes, Miroslav Poche, Soraya Post, Birgit Sippel, Josef Weidenholzer |
| Verts/ALE | Jan Philipp Albrecht, Judith Sargentini, Bodil Valero |

| 1 | - |
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| NI | Udo Voigt |

| 0 | 0 |
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Key to symbols:

+ : in favour

- : against

0 : abstentions