



Plenary sitting

A8-0335/2016

15.11.2016

RECOMMENDATION

on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Republic of the Marshall Islands on the short-stay visa waiver
(09775/2016 – C8-0252/2016 – 2016/0103(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 Union, of the Agreement between the European Union and the Republic of the Marshall Islands on the short-stay visa waiver
(09775/2016 – C8-0252/2016 – 2016/0103(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (09775/2016),
 - having regard to the draft agreement between the European Union and the Republic of the Marshall Islands on the short-stay visa waiver (09774/2016),
 - having regard to the request for consent submitted by the Council in accordance with Article 77(2) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0252/2016),
 - 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 (A8-0335/2016),
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 the Marshall Islands.

SHORT JUSTIFICATION

The framework of relations, and general provisions of the agreement

Relations between the European Union and the Republic of the Marshall Islands 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 the Marshall Islands 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 the Marshall Islands. Negotiations were opened on 17 December 2014 and the final agreement was initialed by an exchange of letters between the chief negotiators on 11 December 2015 (Marshall Islands) and 13 January 2016 (Union). The agreement was signed on 27 June 2016 in Geneva. Since that date, the agreement has applied provisionally, pending approval by the European Parliament. The Council decided on 4 July 2016 to request the Parliament to give its consent.

The agreement provides for visa-free travel for the citizens of the European Union and for the citizens of the Marshall Islands 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 concrete outcome of the deepening of relations between the European Union and the Republic of Marshall Islands – 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. The economy of the Republic of Marshall Islands is based primarily on the service sector as well as some fishing and agriculture. The Republic of Marshall Islands has few natural resources and imports far exceed exports. The US is by far the largest contributor to the national budget under a Compact of Free Association. While EU trade relations with the Republic of Marshall

Islands are very limited, they have potential for development. The EU is currently negotiating a comprehensive Economic Partnership Agreement with fourteen Pacific countries, including the Republic of Marshall Islands. The Rapporteur notes that the visa waiver agreement reaffirms Union's commitment to strengthen partnership with the country.

Politically, the Republic of Marshall Islands is a stable presidential democracy in free association with the U.S. The Rapporteur welcomes that in January 2016 the parliament of the Republic of Marshall Islands has elected its first female president and the first of any of the independent Pacific island states. The Union's political dialogue with the Marshall Islands focuses on protecting its vulnerable environment, especially in relation to climate change on the one hand and on defending human rights and gender issues on the other hand. 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 is high and the rate of refusal of visas is low. In 2014 and 2015, no nationals of the Republic of Marshall Islands were arrested for being illegally present in the EU and there has been no refusal of entry at the EU external border or return decision concerning Marshall Islands nationals. Furthermore, no asylum applications have been submitted by nationals of the Marshall Islands. In this context, the country does not represent any threat in terms either of irregular migration or of security and public order.

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 the Marshall Islands 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 the Marshall Islands 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.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Conclusion of the Agreement between the European Union and the Republic of the Marshall Islands on the short-stay visa waiver	
References	09775/2016 – C8-0252/2016 – COM(2016)0188 – 2016/0103(NLE)	
Date of consultation / request for consent	4.7.2016	
Committee responsible Date announced in plenary	LIBE 7.7.2016	
Committees asked for opinions Date announced in plenary	AFET 7.7.2016	
Not delivering opinions Date of decision	AFET 24.5.2016	
Rapporteurs Date appointed	Mariya Gabriel 23.5.2016	
Discussed in committee	12.10.2016	8.11.2016
Date adopted	8.11.2016	
Result of final vote	+: 43 -: 4 0: 0	
Members present for the final vote	Martina Anderson, Gerard Batten, Malin Björk, Michał Boni, Caterina Chinnici, Rachida Dati, Tanja Fajon, Mariya Gabriel, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Jussi Halla-aho, Sophia in 't Veld, Barbara Kudrycka, Marju Lauristin, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, Péter Niedermüller, Judith Sargentini, Birgit Sippel, 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	Vilija Blinkevičiūtė, Kostas Chrysogonos, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Miriam Dalli, Daniel Dalton, Teresa Jiménez-Becerril Barrio, Ska Keller, Miltiadis Kyrkos, Jeroen Lenaers, Ulrike Lunacek, Andrejs Mamikins, Axel Voss	
Substitutes under Rule 200(2) present for the final vote	Agnieszka Kozłowska-Rajewicz, Maria Noichl	
Date tabled	15.11.2016	

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

43	+
ALDE	Nathalie Griesbeck, Cecilia Wikström, Sophia in 't Veld
ECR	Daniel Dalton, Jussi Halla-aho, Helga Stevens
GUE	Martina Anderson, Malin Björk, Kostas Chrysogonos
PPE	Michał Boni, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Rachida Dati, Mariya Gabriel, Kinga Gál, Teresa Jiménez-Becerril Barrio, Agnieszka Kozłowska-Rajewicz, Barbara Kudrycka, Jeroen Lenaers, Roberta Metsola, Csaba Sógor, Traian Ungureanu, Axel Voss, Tomáš Zdechovský
S&D	Vilija Blinkevičiūtė, Caterina Chinnici, Miriam Dalli, Tanja Fajon, Ana Gomes, Miltiadis Kyrkos, Marju Lauristin, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Péter Niedermüller, Maria Noichl, Birgit Sippel, Josef Weidenholzer
VERTS/ALE	Ska Keller, Ulrike Lunacek, Judith Sargentini, Bodil Valero

4	-
EFDD	Gerard Batten, Kristina, Winberg, Beatrix von Storch
NI	Udo Voigt,

	0

Key to symbols:

+ : in favour

- : against

0 : abstention