



Plenary sitting

A8-0047/2019

29.1.2019

*****I**
REPORT

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as regards the withdrawal of the United Kingdom from the Union (COM(2018)0745 – C8-0483/2018 – 2018/0390(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Claude Moraes

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.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the **■** symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

on the proposal for a regulation of the European Parliament and of the Council amending Council Regulation (EC) No 539/2001 listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as regards the withdrawal of the United Kingdom from the Union (COM(2018)0745 – C8-0483/2018 – 2018/0390(COD))

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2018)0745),
 - having regard to Article 294(2) and Article 77(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0483/2018),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A8-0047/2019),
1. Adopts its position at first reading hereinafter set out;
 2. Calls on the Commission to refer the matter to Parliament again if it replaces, substantially amends or intends to substantially amend its proposal;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

Amendment 1

Proposal for a regulation Recital 6

Text proposed by the Commission

(6) The United Kingdom government has stated its intention not to require a visa from citizens of the EU-27 when travelling to the United Kingdom for short stays for business or tourism as from the date on

Amendment

(6) The United Kingdom government has stated its intention not to require a visa from citizens of the EU-27 when travelling to the United Kingdom for short stays for business or tourism as from the date on

which Union law ceases to apply to the United Kingdom. ***In case the United Kingdom introduces a visa requirement for nationals of at least one Member State in the future, the reciprocity mechanism provided for in [Article 1(4) of Regulation (EC) No 539/2001]²⁶ should apply. The European Parliament, the Council, the Commission and the Member States should act without delay in applying the mechanism.***

²⁶ See footnote 23.

Amendment 2

Proposal for a regulation Recital 7 a (new)

Text proposed by the Commission

Amendment

(7a) This decision is based on the expectation that, in the interest of maintaining close relations, the United Kingdom will grant full visa reciprocity to the nationals of all Member States. In case the United Kingdom introduces a visa requirement for nationals of at least one Member State in the future, the reciprocity mechanism provided for in [Article 1(4) of Regulation (EC) No 539/2001]^{1a} should apply. The European Parliament, the Council, the Commission and the Member States should act without delay in applying the mechanism. The Commission should monitor the respect of the principle of reciprocity on a continuous basis and immediately inform the European Parliament and the Council of any developments which could endanger the respect of this principle.

^{1a} See footnote 23.

EXPLANATORY STATEMENT

Background

The present proposal of the Commission is part of the legislative measures necessary to adjust Union law to Brexit. It aims to clarify the situation of UK nationals when Union law ceases to apply to them as regards visa policy.

Currently, UK nationals as Union citizens have the right to enter any other Member State without any entry visa or equivalent formality. With the withdrawal from the Union, they will, however, become third country nationals under the terms of EU law. It will therefore be necessary to determine whether they will be subject to a visa requirement when crossing the external borders of the Member States or whether they will be exempt from that requirement.

In the EU visa acquis Regulation (EC) No 539/2001¹ lists in its Annex I the countries whose nationals are subject to the visa requirement, and in its Annex II those countries whose nationals are exempt from that requirement. The Regulation also lays down criteria for deciding whether to place a country in Annex I or Annex II. This decision has to be taken by the co-legislators through an amendment of the Regulation.

As outlined in the explanatory statement of the proposal, the Commission has assessed the situation of the UK in relation to the criteria established in the Regulation (These criteria relate, “inter alia, to illegal immigration, public policy and security, economic benefit, in particular in terms of tourism and foreign trade, and the Union's external relations with the relevant third countries, including, in particular, considerations of human rights and fundamental freedoms, as well as the implications of regional coherence and reciprocity.”). It concluded that United Kingdom nationals who are British citizens should be exempt from the visa requirement when travelling to the Union for short stays.

The Commission therefore proposes to insert the United Kingdom as regards British citizens into Annex II, i.e. the list of visa-free third countries. It also proposes two further necessary technical changes to reflect the new legal situation correctly in the text of the Regulation.

The proposal also contains in Article 2 a reminder that the reciprocity mechanism provided by Regulation (EC) No 539/2001 applies in case the UK would introduce a visa requirement for the nationals of at least one Member State.

Finally, Article 3 lays down that this Regulation shall enter into force on 30 March 2019 and shall apply from the day following that on which Union law ceases to apply to the United Kingdom.

Position of the Rapporteur

¹ Regulation (EC) No 539/2001 has just been undergoing codification and is replaced by Regulation (EU) 2018/1806 of 14 November 2018 which enters into force on 18 December 2018. References throughout the legislative texts will be adjusted.

The Rapporteur considers that the Commission has correctly assessed the criteria which should guide the decision in this matter. Exempting UK nationals from the visa requirement is, in the current situation, the only sensible decision to take.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Listing the third countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement, as regards the withdrawal of the United Kingdom from the Union		
References	COM(2018)0745 – C8-0483/2018 – 2018/0390(COD)		
Date submitted to Parliament	14.11.2018		
Committee responsible Date announced in plenary	LIBE 28.11.2018		
Rapporteurs Date appointed	Claude Moraes 26.11.2018		
Discussed in committee	3.12.2018	10.1.2019	29.1.2019
Date adopted	29.1.2019		
Result of final vote	+: –: 0:	53 0 0	
Members present for the final vote	Asim Ademov, Martina Anderson, Heinz K. Becker, Monika Beňová, Malin Björk, Michał Boni, Caterina Chinnici, Daniel Dalton, Agustín Díaz de Mera García Consuegra, Cornelia Ernst, Romeo Franz, Kinga Gál, Nathalie Griesbeck, Sylvie Guillaume, Monika Hohlmeier, Filiz Hyusmenova, Sophia in 't Veld, Eva Joly, Dietmar Köster, Barbara Kudrycka, Juan Fernando López Aguilar, Monica Macovei, Roberta Metsola, Claude Moraes, József Nagy, Ivari Padar, Soraya Post, Judith Sargentini, Giancarlo Scottà, Birgit Sippel, Csaba Sógor, Sergei Stanishev, Helga Stevens, Traian Ungureanu, Bodil Valero, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský		
Substitutes present for the final vote	Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Maria Grapini, Anna Hedh, Sylvia-Yvonne Kaufmann, Andrejs Mamikins, Angelika Mlinar, John Procter, Emil Radev, Kārlis Šadurskis, Barbara Spinelli		
Substitutes under Rule 200(2) present for the final vote	Jonathan Bullock, Jill Seymour		
Date tabled	29.1.2019		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

53	+
ALDE	Nathalie Griesbeck, Filiz Hyusmenova, Sophia in 't Veld, Angelika Mlinar, Cecilia Wikström
ECR	Daniel Dalton, Monica Macovei, John Procter, Helga Stevens, Kristina Winberg
EFDD	Jonathan Bullock, Jill Seymour
ENF	Giancarlo Scottà
GUE/NGL	Martina Anderson, Malin Björk, Cornelia Ernst, Barbara Spinelli
PPE	Asim Ademov, Heinz K. Becker, Michał Boni, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Agustín Díaz de Mera García Consuegra, Kinga Gál, Monika Hohlmeier, Barbara Kudrycka, Roberta Metsola, József Nagy, Emil Radev, Kārlis Šadurskis, Csaba Sógor, Traian Ungureanu, Tomáš Zdechovský
S&D	Monika Beňová, Caterina Chinnici, Maria Grapini, Sylvie Guillaume, Anna Hedh, Sylvia-Yvonne Kaufmann, Dietmar Köster, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Ivari Padar, Soraya Post, Birgit Sippel, Sergei Stanishev, Josef Weidenholzer
VERTS/ALE	Romeo Franz, Eva Joly, Judith Sargentini, Bodil Valero

0	-

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention