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*Committee on Civil Liberties, Justice and Home Affairs*

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**2013/0415(COD)**

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# **DRAFT REPORT**

on the proposal for a regulation of the European Parliament and of the Council amending 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

(COM(2013)0853 – C7-0430/2013 – 2013/0415(COD))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Tanja Fajon

### ***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 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 (COM(2013)0853 – C7-0430/2013 – 2013/0415(COD))**

**(Ordinary legislative procedure: first reading)**

*The European Parliament,*

- having regard to the Commission proposal to Parliament and the Council (COM(2013)0853),
  - 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 (C7-0430/2013),
  - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
  - having regard to Rule 55 of its Rules of Procedure,
  - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs (A7-0000/2014),
1. Adopts its position at first reading, taking over the Commission proposal;
  2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
  3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

## EXPLANATORY STATEMENT

The objective of this proposal is to amend the annexes of the Regulation 539/2001 establishing a list of countries whose citizens must have a visa when crossing the external borders and a list of countries whose citizens are exempt from that requirement - transfer of Republic of Moldova from the negative list (annex I) to the positive list (annex II). The legal basis for a Common Visa Policy lies in article 77(2) of the Treaty on the Functioning of the European Union.

The lists annexed to the aforementioned regulation need to be regularly reviewed and considered on a case-by-case assessment of a variety of criteria relating *inter alia* to illegal immigration, public policy and security, and to the European Union's external relations with third countries, with consideration also being given to the implications of regional coherence and reciprocity.

The Commission's proposal to waive visa obligations for the citizens of Moldova stems from considerable progress made by Moldova during the last three and a half years of visa liberalisation dialogue. At the Vilnius Eastern Partnership (EaP) Summit, in November 2013, Moldova initialled its Association Agreement with the EU and became the first EaP country to meet all the requirements of their Visa Liberalisation Action Plan allowing for the visa liberalisation to be put in place.

A sizeable effort has been made by Moldova in recent years through the implementation of difficult reforms and the process of institution-building. A clear European perspective has been pursued as the ultimate objective by the Visa Liberalization Action Plan (VLAP) being one of the most coherent elements of the EU-Moldova relations.

The significance of visa liberalisation for ordinary people is considerable as it brings tangible benefits for the Moldovan citizens, many of whom already hold a Romanian passport. Despite the geopolitical location of Moldova, challenging internal difficulties, recent developments in its neighbourhood, challenging internal difficulties, the EU remains a compelling alternative for Moldova. On the other hand, the EU has a great opportunity to send a strong political signal to Moldova and help transform the lives of millions of people.

The abolishment of visas will reduce the waiting time in front of consulates and the costs associated with the travelling to the Schengen area. It will facilitate people-to-people contact – an essential condition for the steady development of economic, cultural, scientific and other ties as well as it will intensify contacts between people. Visa free travel in itself embodies freedom of movement, which is one of the fundamental principles of the European Union. In this context, the process of deepening relations between the EU and Moldova will undoubtedly contribute to improving the exercise of justice and respect for fundamental freedoms.

Without prejudice to the status and the situation concerning the breakaway state of Transnistria, of which the rapporteur is fully aware of, and whilst stressing that the settlement of the Transnistria issue is not a condition for the visa liberalisation, the visa liberalisation will benefit the citizens who are holders of a biometric passport of the Republic of Moldova and its European perspective will contribute to the peaceful resolution of the Transnistrian

issue.

Consequently, taking into account an increasingly close relationship between the EU and Moldova, going beyond partnership, to gradual economic integration and enhanced trade relations, a deepening of political co-operation through the Association Agreement, following an upgraded Visa Facilitation Agreement and well implemented with the Republic of Moldova, following the positive outcomes of the Visa Dialogue, having in mind the recent adoption of the suspension clause by the amendment of the 539/2001 regulation, keeping in mind that Moldova abolished visa obligations for all EU citizens in 2007, the rapporteur welcomes the proposal made by the Commission.

The rapporteur does not see the need for any amendment in order to facilitate a smooth and swift adoption process in the Parliament expecting all necessary steps to be taken in this regard and strongly hopes that the Council is also committed to the same objective. The Commission's proposal as such should hence be adopted by the European Parliament and the Council before the May 2014 European elections.