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DRAFT RECOMMENDATION

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Moldova amending the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas (12012/2012 – C7-0201/2012 – 2012/0140(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Marian-Jean Marinescu

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 of the Agreement between the European Union and the Republic of Moldova amending the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas (12012/2012 – C7-0201/2012 – 2012/0140(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (12012/2012),
 - having regard to the Agreement between the European Union and the Republic of Moldova amending the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas (10871/2012),
 - having regard to the request for consent submitted by the Council in accordance with Article 77(2), point (a) and Article 218(6), second subparagraph, point (a) of the Treaty on the Functioning of the European Union (C7-0201/2012),
 - having regard to Rules 81 and 90(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A7-0000/2013),
1. Consents 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 Moldova.

EXPLANATORY STATEMENT

Background

On the 1st of January 2008 the Visa Facilitation Agreement between the European Community and the Republic of Moldova entered into force.

The Romania-Republic of Moldova Local Border Traffic (LBT) Agreement entered into force in October 2010.

Negotiations with the Republic of Moldova on an Agreement amending the Visa Facilitation Agreement were conducted by the Commission between the 13th of May 2011 and the 14th of December 2011, following the authorization given by the Council. The agreement was finalised on the 22nd of March 2012, and the Parliament is now consulted on the proposal for Council Decision on the conclusion of these two agreements.

Content of the Agreement amending the Visa Facilitation Agreement

This amended Visa Facilitation Agreement between the European Union and Moldova brings forward the original agreement and offers clear improvements for Moldovan citizens.

The purpose of the amending Agreement is to further facilitate the issuance of visas to the citizens of the Republic of Moldova for an intended stay of 90 days per period of 180 days and to foresee a visa waiver for Moldovan citizens under certain conditions.

The key amendments to the agreement are as follows:

Citizens of the Republic of Moldova who are holders of biometric service passports are exempted from the visa requirement for short stays. The holders of valid biometric passports can enter, leave and transit through the territories of the Member States without visas.

The documents to be presented regarding the purpose of the journey have been simplified for a wider category of applicants, such as drivers conducting international cargo and passenger transportation services, journalists and their technical crew, close relatives of EU citizens and participants in official EU cross-border cooperation programmes.

There are also simplified criteria for issuing multiple-entry visas for a wider category of persons, such as spouses, children and parents visiting citizens of the Republic of Moldova legally residing in the European Union, etc.

A wider category of applicants will benefit from a full waiving of the visa fee: close relatives of citizens of the European Union, crew accompanying journalists, young participants to seminars, conferences, sports, cultural or educational events, organised by non-profit organisations, representatives of civil society, participants in official EU cross-border cooperation programmes.

Moreover, Moldovan citizens will have the possibility to apply through an external service provider, with whom a Member State cooperates in view of issuing a visa, for a fee of up to EUR 30.

Finally, Moldovan citizens will be exempted from the requirement to appear in person when lodging an application.

Observations by the rapporteur

The establishment of a short-term visa free regime for Moldovan citizens travelling to EU countries will deepen the cooperation with the EU and will prepare the way for a closer relationship with the European Union.

Given the European aspirations of the Republic of Moldova this agreement as amended represents an encouraging step forward and will promote the people-to-people contacts, the economic development, the cultural and scientific dialogue, stability, security and well-being of the citizens.

Visa liberalisation will reduce the time and cut down the costs associated with travelling to the Schengen area.

Short-term visa free regime will not change the conditions for entry and stay of Moldovan citizens as laid down in the Schengen Borders Code for short stays and in Member States' national law for long stays. Furthermore, it does not mean the absence of controls of the conditions for entry and stay. Moldovan citizens will have to justify the purpose and conditions of their journey.

According to the EUROSTAT official data, between 2006 and 2011, illegal stay and illegal border-crossing has become stable or only moderately increasing trend in terms of migratory movements of Moldovan citizens towards the EU. The European University Institute - Migration Policy Centre foresees an increase in temporary and short-term flows from the Republic of Moldova to the EU, for *bona fide* visitors or short-term employees. However, based on the previous experiences (e.g. the lifting of visa obligation for citizens of the Eastern and Central European States in the mid-1990s or their 2004 accession to the EU), lifting movement restrictions implies an increase in migration but it becomes stable over time. The freedom of movement had favourable results on the EU economy and responded to the needs on the EU labour market.

The visa liberalisation is also an opportunity for Moldova to implement the reforms needed in the area of freedom, security and justice. In that sense, several priorities for action should be reminded:

- progress towards a system of efficient, comprehensive state border management on all sectors of the Moldovan border, including the border management along the Transnistrian section;
- ensuring the efficient management of migratory flows;

- preventing and fighting against corruption, organised crime, including trafficking in human beings reinforcing administrative and judicial capacity;
- enhance cooperation with neighbouring countries, in particular Ukraine

Furthermore, the rapporteur underlines the importance of the following aspects upon the entry into force of this agreement:

- Moldovan authorities should exchange data with the EU authorities on lost and stolen biometric passports, in particular using Interpol's Lost and Stolen Travel Document database;
- Moldovan authorities should organise information campaigns in order to allow people to take the advantage of the new possibilities, clarify the rights and obligations of visa-free travel, including information on rules regulating access to the EU labour market (including through the EU Immigration Portal) and liability for any abuse of rights under the visa-free regime;
- the new IT Systems should be able to calculate the total period of stay and this data should be introduced at all external border sections in line with the future smart borders legislation;
- Member States should harmonise the rules against illegal employment of third-country nationals, as initiated by the Employers Sanctions Directive, and continue facilitating legal migration to the EU;

The rapporteur concluded that this agreement on visa facilitation offers the opportunity for the EU and the Republic of Moldova to move closer to each other and to avoid the creation of dividing lines between the EU and its neighbour.

The rapporteur proposes that, in view of these positive improvements, the European Parliament should fully support the consent of this agreement.