



2018/0390(COD)

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AMENDMENTS

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Draft report

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(PE632.052v01-00)

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

Proposal for a regulation

(COM(2018)0745 – C8-0483/2018 – 2018/0390(COD))

Amendment 1
Auke Zijlstra

Proposal for a regulation
Recital 1 a (new)

Text proposed by the Commission

Amendment

(1 a) The United Kingdom grants residence rights to the inhabitants of many countries which are part of the Commonwealth under the British Nationality Act, 1981. Due to the fact that the scope of the visa exemption provided for in Council Regulation (EC) No 539/2001 is unclear, the Commission should carry out a complete impact and risk assessment in order to clarify the actual scope of the visa exemption.

Or. en

Amendment 2
Martina Anderson

Proposal for a regulation
Recital 3 a (new)

Text proposed by the Commission

Amendment

(3 a) It is important to acknowledge the unique and special circumstance of citizens in the north of Ireland, who, by virtue of the Good Friday Agreement, can identify as Irish. As a result of that fact, citizens in the north of Ireland should remain entitled to all associated Union citizenship rights where they reside in the north of Ireland, and they should not be treated as nationals of a third country. Visa-free travel should apply in line with current standards for citizens in the north of Ireland.

Or. en

Amendment 3
Maria Grapini

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 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]²⁷ should apply. The European Parliament, the Council, the Commission and the Member States should act without delay in applying the mechanism.

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]²⁷ should apply. The European Parliament, the Council, the Commission and the Member States should act without delay in applying the ***reciprocity mechanism for visa requirements.***

Or. ro

Amendment 4
Emilian Pavel, Maria Gabriela Zoană

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 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]***²⁷ should apply. The European Parliament, the Council, the

Amendment

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²⁷ See footnote 23.

Or. en

Amendment 5 **Emilian Pavel, Maria Gabriela Zoană**

Proposal for a regulation **Recital 7**

Text proposed by the Commission

(7) The United Kingdom should thus be included in Annex II to [Regulation (EC) No 539/2001]²⁸ as regards British citizens.

Amendment

(7) The United Kingdom should thus be included in Annex II to [Regulation (EC) No 539/2001]²⁸ as regards British citizens. ***This is entirely conditional upon the United Kingdom also granting reciprocal and non-discriminatory visa-free travel for all Union citizens, in line with the principles of full reciprocity and non-discrimination. To that end, a specific reciprocity mechanism should be established in order to address the unique situation of a former Member State.***

²⁸ See footnote 23.

²⁸ See footnote 23.

Or. en

Amendment 6 **Maria Grapini**

Proposal for a regulation **Recital 7**

Text proposed by the Commission

(7) The United Kingdom should thus be included in Annex II to [Regulation (EC) No 539/2001]²⁸ as regards British citizens.

Amendment

(7) The United Kingdom should thus be included in Annex II to [Regulation (EC) No 539/2001]²⁸ as regards British citizens. ***This is entirely conditional upon***

the United Kingdom also granting reciprocal and non-discriminatory visa-free travel for all Union citizens, in line with the principles of full reciprocity and non-discrimination. To that end, a specific reciprocity mechanism should be established in order to address the unique situation of a former Member State.

²⁸ See footnote 23.

²⁸ See footnote 23.

Or. en

Amendment 7
Csaba Sógor

Proposal for a regulation
Recital 7

Text proposed by the Commission

(7) The United Kingdom should thus be included in Annex II to [Regulation (EC) No 539/2001]²⁸ as regards British citizens.

²⁸ See footnote 23.

Amendment

(7) The United Kingdom should thus be included in Annex II to [Regulation (EC) No 539/2001]²⁸ as regards British citizens. ***This is entirely conditional upon the United Kingdom also granting reciprocal and non-discriminatory visa-free travel for all Union citizens, in line with the principles of full reciprocity and non-discrimination.***

²⁸ See footnote 23.

Or. en

Amendment 8
Martina Anderson

Proposal for a regulation
Recital 7 a (new)

Text proposed by the Commission

Amendment

(7 a) There are 15 references to the Union in the Good Friday Agreement and

the people of the north of Ireland voted to remain within the Union. It is therefore important that the withdrawal of the United Kingdom from the Union does not disrupt the areas of north-south cooperation set out in the Good Friday Agreement and in subsequent agreements or impede the full implementation of the Good Friday Agreement in all of its parts.

Or. en

Amendment 9
Martina Anderson

Proposal for a regulation
Recital 7 b (new)

Text proposed by the Commission

Amendment

(7 b) Citizens in the north of Ireland, who remain Union citizens by virtue of the Good Friday Agreement, should maintain their full panoply of Union rights as Union citizens, where they reside in the north of Ireland, including access to the European Health Insurance Card, European student fees and political representation within the European Parliament.

Or. en

Amendment 10
Maria Grapini

Proposal for a regulation
Recital 14

Text proposed by the Commission

Amendment

(14) This Regulation should enter into force on **30 March 2019, the day of** the United Kingdom's withdrawal from the Union.

(14) This Regulation should enter into force on **the first day after** the United Kingdom's withdrawal from the Union.

Or. ro

Amendment 11

Emilian Pavel, Maria Gabriela Zoană

Proposal for a regulation

Article 2 – paragraph 1

Text proposed by the Commission

In case the United Kingdom introduces a visa requirement for nationals of at least one Member State, ***the reciprocity mechanism*** provided for in [Article 1(4) of Regulation (EC) No 539/2001]⁴⁰ shall apply. The European Parliament, the Council, the Commission ***and the Member States*** shall act without delay in applying ***the*** mechanism.

Amendment

By way of derogation from [Article 1(4) of Regulation (EC) No 539/2001]⁴⁰, where the United Kingdom introduces a visa requirement for nationals of at least one Member State, ***the following provisions shall apply:***

(a) following the implementation of the visa requirement, the Member State concerned shall without delay notify the Commission and inform the European Parliament and the Council thereof in writing; that notification shall specify the date of implementation of the visa requirement and the types of travel documents and visas concerned;
(b) within 72 hours of receipt of the notification referred to in point (a) of this paragraph, the Commission shall adopt a delegated act in accordance with Article 4c amending Regulation (EC) No 539/2001 in order to temporarily suspend the application of Annex II to that Regulation for a period of 12 months for all nationals of the United Kingdom. The delegated act shall set out a date, within 120 days of its entry into force, on which the suspension of the application of Annex II is to take effect, taking into account the available resources in the consulates of the Member States. The delegated act shall insert a footnote next to the name of the United Kingdom indicating that the exemption from the visa requirement is suspended with regard to all nationals of the United Kingdom and specifying the period of that suspension. Unless the Commission submits a legislative proposal as referred to in point (e), in which case the period of suspension referred to in the first sentence of this point shall be prolonged

automatically until the entry into force of such proposal and the transfer of the reference to the United Kingdom from Annex II to Annex I takes effect, the period of suspension from the visa requirement provided for in the delegated act adopted in accordance with the first sentence of this point shall be prolonged automatically until the United Kingdom lifts the visa requirement for the nationals of the Member State or the Member States concerned and visa-free travel for nationals of all Member States is restored. The footnote referred to in the third sentence of this point shall be amended accordingly. Without prejudice to the application of Article 4 of Regulation (EC) No 539/2001, during the periods of that suspension all nationals of the United Kingdom shall be required to be in possession of a visa when crossing the external borders of the Member States;

(c) the Commission shall, immediately following the adoption of a delegated act as referred to in point (b) and in consultation with the European Parliament and the Council, take steps with the authorities of the United Kingdom in order to restore visa-free travel and shall inform the European Parliament and the Council of those steps without delay;

(d) any subsequent notification made by another Member State pursuant to point (a) during the period of application of measures adopted pursuant to point (b) shall be merged into the ongoing procedures without the deadlines or periods set out in those points being extended;

(e) where, within six months of the entry into force of a delegated act as referred to in point (b), the United Kingdom has not lifted the visa requirement, the Commission may submit a legislative proposal amending Regulation (EC) No 539/2001 in order to transfer the reference to the United Kingdom from Annex II to Annex I to that Regulation;

(f) where the United Kingdom lifts the visa requirement, the Member State or

Member States concerned shall immediately notify the Commission and inform the European Parliament and the Council thereof. A delegated act adopted pursuant to point (b) shall expire seven days after the publication referred to in the first sentence of this point. Where the United Kingdom has introduced a visa requirement for nationals of two or more Member States, the delegated act shall expire seven days after the publication of the notification concerning the last Member State whose nationals were subject to visa requirement. The footnote referred to in the third sentence of point (b) shall be deleted upon expiry of the delegated act concerned. The Commission shall publish information on such expiry without delay in the Official Journal of the European Union. Where the United Kingdom lifts the visa requirement but the Commission has not been notified by the Member State or Member States in accordance with the first sentence of this point, the Commission shall, on its own initiative, proceed without delay with the publication referred to in that fifth sentence of this point, and the second sentence of this point shall apply.

The European Parliament, the Council *and* the Commission shall act without delay in applying *this* mechanism.

A delegated act adopted pursuant to this Article shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

⁴⁰ See footnote 23.

⁴⁰ See footnote 23.

Amendment 12
Maria Grapini

Proposal for a regulation
Article 3 – paragraph 1 – subparagraph 1

Text proposed by the Commission

This Regulation ***shall*** enter into force on
30 March 2019.

Amendment

This Regulation ***should*** enter into force on
the first day after the United Kingdom's
withdrawal from the Union.