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Committee on Foreign Affairs

2011/0138(COD)

9.11.2011

AMENDMENTS

2 - 8

Draft opinion
Andrey Kovatchev
(PE474.076v01-00)

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

Proposal for a regulation
(COM(2011)0290 – C7-0135/02011 – 2011/0138(COD))

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United in diversity

EN

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Amendment 2
Tanja Fajon

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) This Regulation establishes a visa safeguard clause allowing the rapid, temporary suspension of the visa waiver for a third country on the positive list in case of an emergency situation, where an urgent response is needed in order to resolve the difficulties faced by **one or more** Member States, and taking account of the overall impact of the emergency situation on the European Union as a whole.

Amendment

(1) This Regulation establishes a visa safeguard clause allowing the rapid, temporary suspension of the visa waiver for a third country on the positive list in case of an emergency situation, where an urgent response is needed in order to resolve the difficulties faced by **at least three** Member States **or where there is an average rise throughout the EU as a whole of more than 5 % of certain benchmark figures relating to numbers of illegally staying third-country nationals, of rejected asylum applications and of rejected readmission applications**, and taking account of the overall impact of the emergency situation on the European Union as a whole.

Or. en

Amendment 3
Renate Weber

Proposal for a regulation
Recital 1

Text proposed by the Commission

(1) This Regulation establishes a visa safeguard clause allowing the rapid, temporary suspension of the visa waiver for a third country on the positive list in case of an emergency situation, where an urgent response is needed in order to

Amendment

(1) This Regulation establishes a visa safeguard clause allowing the rapid, temporary suspension of the visa waiver for a third country on the positive list in case of an emergency situation, where an urgent response is needed in order to

resolve the difficulties faced by one or more Member States, and taking account of the overall impact of the emergency situation on the European Union as a whole.

resolve the difficulties faced by one or more Member States, and taking account of the overall impact of the emergency situation on the European Union as a whole **and the impact on its foreign relations policies with third countries in cases of suspension of the visa waiver.**

Or. en

Justification

It is important to underline that also attention needs to be given to the impact of the reintroduction of the visa requirement on EU foreign policy and the relations with third countries.

Amendment 4 Tanja Fajon

Proposal for a regulation

Article 1 - point 2

Regulation EC No 539/2001

Article 1a - paragraph 1

Text proposed by the Commission

1. Paragraphs 2 to 5 of this Article shall apply in the event of **one or more** Member States being confronted by an emergency situation characterised by the occurrence of any of the following:

(a) a sudden increase of at least **50%**, over a six month period, in the number of nationals of a third country listed in Annex II found to be illegally staying in the Member State's territory, in comparison with the **previous six month** period;

(b) a sudden increase of at least **50%**, over a six month period, in comparison with the **previous six month** period, in the number of asylum applications from the nationals

Amendment

1. Paragraphs 2 to 5 of this Article shall apply in the event of **at least three** Member States being confronted by an emergency situation characterised by the occurrence of any of the following, **or in the event that the average rise in the following benchmarks throughout the EU as a whole exceeds 5 %:**

(a) a sudden increase of at least **66 %**, over a six month period, in the number of nationals of a third country listed in Annex II found to be illegally staying in the Member State's territory, in comparison with the **same period in the previous year;**

(b) a sudden increase of at least **66 %**, over a six month period, in comparison with the **same period in the previous year**, in the number of asylum applications from the

of a third country listed in Annex II for which the recognition rate of asylum applications was less than 3% over that previous six month period;

(c) a sudden increase of at least **50%**, over a six month period, in the number of rejected readmission applications submitted by a Member State to a third country listed in Annex II for its own nationals, in comparison with the *previous six month* period.

nationals of a third country listed in Annex II for which the recognition rate of asylum applications was less than 3% over that previous six month period;

(c) a sudden increase of at least **66 %**, over a six month period, in the number of rejected readmission applications submitted by a Member State to a third country listed in Annex II for its own nationals, in comparison with the *same* period *in the previous year*.

Or. en

Amendment 5
Tanja Fajon

Proposal for a regulation
Article 1 - point 2
Regulation EC No 539/2001
Article 1a - paragraph 1 a (new)

Text proposed by the Commission

Amendment

(1a) The application of those criteria shall be conditional on the prior definition by the Commission of a proposal for common statistical parameters to define the illegal entry and readmission rejection rates and on the adoption of a recast directive on common procedures for granting and withdrawing international protection.

Or. en

Amendment 6
Tanja Fajon

Proposal for a regulation
Article 1 - point 2
Regulation EC No 539/2001
Article 1a - paragraph 2

Text proposed by the Commission

2. A Member State which is confronted by any of the emergency situations described in paragraph 1 may notify the Commission. This notification shall be duly motivated and shall include relevant data and statistics as well as a detailed explanation of the preliminary measures that the Member State concerned has taken ***with a view to remedying*** the situation.

Amendment

2. A Member State which is confronted by any of the emergency situations described in paragraph 1 may notify the Commission. This notification shall be duly motivated and shall include relevant data and statistics as well as a detailed explanation of ***all*** the preliminary measures that the Member State concerned has taken ***to prevent its system from being easily abused, after having taken all other measures to remedy*** the situation.

Or. en

Amendment 7
Tanja Fajon

Proposal for a regulation

Article 1 - point 2

Regulation EC No 539/2001

Article 1a - paragraph 3

Text proposed by the Commission

3. The Commission shall examine the notification taking into account the number of Member States affected by any of the situations described in paragraph 1 and the overall impact of the increases on the migratory situation in the Union as the latter appears from the data provided by the Member States as well as from reports prepared by FRONTEX and/or the European Asylum Support Office, and, within three months following receipt thereof, the Commission may adopt an implementing decision suspending the exemption of visa requirement for the nationals of the third country concerned for a period of six months. The implementing decision shall be adopted in accordance with the procedure referred to in Article 4a (2). The implementing decision shall

Amendment

3. The Commission shall ***inform the European Parliament and the Council without delay of the notification received by the Member States concerned and*** examine the notification taking into account the number of Member States affected by any of the situations described in paragraph 1 and the overall impact of the increases on the migratory situation in the Union as the latter appears from the data provided by the Member States as well as from reports prepared by FRONTEX and/or the European Asylum Support Office and, within three months following receipt thereof, the Commission ***shall send the results of its examination to the European Parliament and the Council, which shall have one week in which to give their consent , after which***

determine the date on which the suspension of the exemption of visa requirement is to take effect.

the Commission may adopt an implementing decision suspending the exemption of visa requirement for the nationals of the third country concerned for a period of six months. The implementing decision shall be adopted in accordance with the procedure referred to in Article 4a (2). The implementing decision shall determine the date on which the suspension of the exemption of visa requirement is to take effect.

Or. en

Amendment 8

Judith Sargentini

on behalf of the Verts/ALE Group

Proposal for a regulation

Article 1 - point 4

Regulation EC No 539/2001

Article 4 - paragraph 4

Text proposed by the Commission

"To the extent imposed by the application of Article 41(1) of the Additional Protocol to the Association Agreement between Turkey and the EC, a Member State **may** provide for exceptions from the visa requirement provided for by Article 1(1), as regards Turkish nationals providing services during their stay."

Amendment

"To the extent imposed by the application of Article 41(1) of the Additional Protocol to the Association Agreement between Turkey and the EC, a Member State **shall** provide, ***in accordance with the ruling of the European Court of Justice in case C-228/06***, for exceptions from the visa requirement provided for by Article 1(1), as regards Turkish nationals providing services during their stay."

Or. en