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Committee on Civil Liberties, Justice and Home Affairs

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2011/0138(COD)

7.12.2011

# AMENDMENTS

## 13 - 54

### Draft report

**Agustín Díaz de Mera García Consuegra**  
(PE475.760v01-00)

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 – C7-0135/2011 – 2011/0138(COD))

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**EN**

*United in diversity*

**EN**

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**Amendment 13**  
**Tatjana Ždanoka**

**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 ***mechanism for*** the rapid, temporary suspension of the visa waiver, ***as a last resort***, 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 ***three*** or more Member States, and taking account of the overall impact of the emergency situation on the European Union as a whole.

Or. en

**Amendment 14**  
**Cornelia Ernst, Marie-Christine Vergiat**

**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 ***mechanism for*** 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.

Or. en

**Amendment 15**  
**Kinga Göncz**

**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 **mechanism** allowing the rapid, temporary suspension of the visa waiver for a third country on the positive list in case of an emergency situation **arising in relation to that third country**, 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 **as well as on the third country concerned**.

Or. en

**Amendment 16**  
**Kinga Göncz**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

**(1a) Any suspension of the visa waiver should be based on a thorough examination of the circumstances of the third country concerned and be justified by objective criteria as set in this Regulation in order to ensure consistency, transparency and better decision-making.**

Or. en

**Amendment 17**  
**Véronique Mathieu**

**Proposal for a regulation**  
**Recital 1 a (new)**

*Text proposed by the Commission*

*Amendment*

***(1a) An emergency could arise in the event of risks to public policy, security problems arising from terrorist threats or a significant rise in organised crime.***

Or. fr

**Amendment 18**  
**Cornelia Ernst, Marie-Christine Vergiat**

**Proposal for a regulation**  
**Recital 2**

*Text proposed by the Commission*

*Amendment*

(2) In order to ensure uniform conditions for the implementation of the ***visa safeguard clause***, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

(2) In order to ensure uniform conditions for the implementation of the ***suspension mechanism***, implementing powers should be conferred on the Commission. Those powers should be exercised in accordance with Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by the Member States of the Commission's exercise of implementing powers.

Or. en

**Amendment 19**  
**Renate Weber**

**Proposal for a regulation**  
**Recital 3**

*Text proposed by the Commission*

(3) The mechanism regarding reciprocity to be implemented if one of the third countries included in Annex II to Regulation (EC) No 539/2001 decides to make the nationals of one or more Member States subject to the visa obligation needs to be adapted to the entry into force of the Lisbon Treaty in combination with the case law of the Court on secondary legal bases.

*Amendment*

(3) The mechanism regarding reciprocity to be implemented if one of the third countries included in Annex II to Regulation (EC) No 539/2001 decides to make the nationals of one or more Member States subject to the visa obligation needs to be adapted to the entry into force of the Lisbon Treaty in combination with the case law of the Court on secondary legal bases. ***In addition, the mechanism needs to be adapted to provide for a Union answer as an act of solidarity, if one of the third countries included in Annex II to this Regulation decides to make the nationals of one or more Member States subject to visa requirements.***

Or. en

*Justification*

*To demand a Community answer principles such as solidarity, equality and mutual trust among Member States are being respected. Such an approach shall allow the EU to act as one actor on the international scene, promoting and protecting fundamental values that are at its core.*

**Amendment 20**  
**Tatjana Ždanoka**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) The reciprocity mechanism is applicable in cases where a third country listed in Annex II of Regulation (EC) No 539/2001 introduces, reintroduces or maintains visa requirements for the nationals of a Member State.***

Or. en

**Amendment 21**  
**Renate Weber**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Upon receipt of a notification from a Member State that a third country listed in Annex II to this Regulation has decided to introduce visa requirements for that Member State's nationals, all Member States should react collectively, thus providing a common response to a situation which affects the Union in its entirety and allows for its citizens to be subjected to differing treatments.***

Or. en

*Justification*

*To demand a Community answer principles such as solidarity, equality and mutual trust among Member States are being respected. Such an approach shall allow the EU to act as one actor on the international scene, promoting and protecting fundamental values that are at its core.*

**Amendment 22**  
**Ioan Enciu**

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Full visa reciprocity is an objective which the Union should pursue in a proactive manner in its relations with third countries, thus contributing to improving of the credibility and consistency of the Union's external policy at international level.***

**Amendment 23**  
**Timothy Kirkhope**  
on behalf of the ECR Group

**Proposal for a regulation**  
**Recital 3 a (new)**

*Text proposed by the Commission*

*Amendment*

***(3a) Notwithstanding the reciprocity mechanism, it is essential that the Commission discusses and negotiates matters relating to visa policy in an open and transparent manner, without using the threat of restoration of visa requirements.***

Or. en

*Justification*

*It is essential for the maintenance of good bilateral relations between the EU and its partners in the world that the EU refrains from using its visa policy as a tool to pressure third countries to change their visa policies.*

**Amendment 24**  
**Tatjana Ždanoka**

**Proposal for a regulation**  
**Recital 6**

*Text proposed by the Commission*

*Amendment*

(6) As Regulation (EC) No 1932/2006 on the visa rules applicable for refugees and stateless persons does not apply to such persons when they are residing in the United Kingdom or Ireland, it is necessary to clarify the situation concerning the visa requirement for certain refugees and stateless persons who reside in the United Kingdom or in Ireland. This Regulation

(6) As Regulation (EC) No 1932/2006 on the visa rules applicable for refugees and stateless persons does not apply to such persons when they are residing in the United Kingdom or Ireland, it is necessary to clarify the situation concerning the visa requirement for certain refugees and stateless persons who reside in the United Kingdom or in Ireland. This Regulation



*leaves Member States free to decide on visa exemption or obligation for that category of persons. Such national decisions shall be notified to the Commission.*

*exempts that category of persons from the visa requirement.*

Or. en

**Amendment 25**  
**Emine Bozkurt**

**Proposal for a regulation**  
**Recital 7**

*Text proposed by the Commission*

(7) Having regard to certain obligations on the Member States under international agreements concluded by the Community before the entry into force of Regulation (EC) No 539/2001 which imply the need to derogate from the common visa rules, this Regulation introduces a provision allowing Member States to exempt persons providing services during their stay from the visa requirement, to the extent necessary to respect those obligations.

*Amendment*

(7) Having regard to certain obligations on the Member States under international agreements concluded by the Community before the entry into force of Regulation (EC) No 539/2001 which imply the need to derogate from the common visa rules, this Regulation introduces a provision allowing Member States to exempt persons providing services during their stay from the visa requirement, to the extent necessary to respect those obligations, *while fully taking into account the judgments of the Court of Justice of the European Union.*

Or. en

**Amendment 26**  
**Manfred Weber**

**Proposal for a regulation**  
**Article 1 – point 1 – point a – point ii**  
Regulation (EC) No 539/2011  
Article 1 – paragraph 2 – second subparagraph

*Text proposed by the Commission*

*(ii) in the second subparagraph, the*

*Amendment*

*deleted*

*following indents are added:*

- “civilian air crew members;
- civilian sea crew members when they go ashore who hold a seafarer’s identity document issued in accordance with the International Labour Organisation Conventions (No 108 of 1958 and No 185 of 2003) or the IMO London Convention of 1965 (FAL) on the facilitation of international maritime traffic.”

Or. de

*Justification*

*The existing system, under which Member States may already at present exclude the groups referred to here from visa requirements (Article 4 of the Regulation), has worked well, and no problems are known. The proposed amendment would not entail any further harmonisation.*

**Amendment 27**  
**Tatjana Ždanoka**

**Proposal for a regulation**

**Article 1 – point 1 – point a – point ii – indent 2 a (new)**

Regulation (EC) No 539/2011

Article 1 – paragraph 2 – second subparagraph – indent 6 (new)

*Text proposed by the Commission*

*Amendment*

**– recognised refugees and stateless persons and other persons who do not hold the nationality of any country who reside in the United Kingdom or in Ireland and are holders of a travel document issued by the United Kingdom or Ireland.**

Or. en

*Justification*

*Recognised refugees and stateless persons and other persons who do not hold the nationality of any country who reside in the United Kingdom or in Ireland and are holders of a travel document issued by the United Kingdom or Ireland should be exempted from the visa*

*requirement.*

## **Amendment 28**

**Alexander Alvaro, Tanja Fajon, Renate Weber, Tatjana Ždanoka, Cornelia Ernst, Zuzana Roithová, Miroslav Ouzký, Ioan Enciu, Pavel Poc**

### **Proposal for a regulation**

#### **Article 1 – point 1 – point b**

Regulation (EC) No 539/2011

Article 1 – paragraph 4

*Text proposed by the Commission*

(b) *in* paragraph 4 *point (c)* is replaced by the following:

*Amendment*

(b) paragraph 4 is replaced by the following:

**4. Where a third country listed in Annex II introduces, reintroduces or maintains a visa requirement for nationals of a Member State, the following provisions shall apply:**

**(a) within 90 days of such introduction, or its announcement or, in cases where the requirement is maintained, within 90 days of the date of entry into force of this Regulation, the Member State concerned shall notify the European Parliament, the Council and the Commission in writing; the notification shall be published in the C series of the Official Journal of the European Union. The notification shall specify the date of implementation of the measure and the type of travel documents and visas concerned.**

**If the third country decides to lift the visa obligation before the expiry of this deadline, the notification becomes superfluous;**

**(b) the Commission shall, immediately following the date of publication of that notification and in consultation with the Member State concerned, take steps with the authorities of the third country in order to restore visa-free travel and shall inform the European Parliament**

(c) within **90** days after publication of that notification, the Commission, in consultation with the Member State concerned, shall report to the European Parliament and the Council. ***The report may be accompanied by a proposal providing for the temporary restoration of the visa requirement for nationals of the third country in question. The Commission may also present this proposal after deliberations in the European Parliament and the Council on its report. The European Parliament and the Council shall act on such proposal by the ordinary legislative procedure.***

***and the Council about the status of the negotiations at the earliest opportunity;***

(c) within **45** days after publication of that notification, the Commission, in consultation with the Member State concerned, shall report to the European Parliament and the Council. ***If within 45 days of the date of publication of that notification, the third country concerned has not lifted the visa requirement, the Commission, in consultation with that Member State, shall propose the restoration of the visa requirement for nationals of the third country in question. If within 90 days of the date of publication of that notification, the third country has not lifted the visa requirement, the Commission's proposal providing for the restoration of the visa requirement for nationals of the third country in question shall be deemed to have been adopted, unless the Council, acting by qualified majority, and the European Parliament, acting by absolute majority, decide to reject the proposal beforehand.***

***(d) where the third country in question abolishes the visa requirement, the Member State shall immediately notify the Council and the Commission to that effect. The notification shall be published in the C series of the Official Journal of the European Union. Any measure decided upon under subparagraph (c) shall terminate seven days after the publication in the Official Journal of the European Union. In case the third country in question has introduced a visa requirement for nationals of two or more Member States, the measure will only terminate after the last publication.***

Or. en

**Amendment 29**  
**Cornelia Ernst, Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 1 – point 2**

Regulation 539/2001

Article 1a - title

*Text proposed by the Commission*

*Amendment*

Article 1a – **Safeguard clause**

Article 1a – **Suspension mechanism**

Or. en

**Amendment 30**

**Tatjana Ždanoka**

**Proposal for a regulation**

**Article 1 – paragraph 1 – point 2 – introductory part**

Regulation (EC) No 539/2001

Article 1a – paragraph 1

*Text proposed by the Commission*

*Amendment*

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:

1. Paragraphs 2 to 5 of this Article shall apply, **as a last resort**, in the event of **three** or more Member States being confronted by an emergency situation, **which has a serious negative impact on the overall migratory situation in the Union, and** characterised by the occurrence of any of the following:

Or. en

*Justification*

*It should be stressed that the suspension of a visa waiver can be used only as a last resort.*

**Amendment 31**

**Kinga Göncz**

**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:

*Amendment*

1. Paragraphs 2 to 5 of this Article shall apply ***based on objective criteria to ensure consistency and transparency, namely*** in the event of one or more Member States being confronted by an emergency situation characterised by the occurrence of any of the following:

Or. en

**Amendment 32**  
**Tatjana Ždanoka**

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

*Text proposed by the Commission*

(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;

*Amendment*

(a) a sudden ***and substantial*** increase of at least **100%**, over a **one year** period, in the number of nationals of a third country listed in Annex II found to be **irregularly** staying in the Member State's territory, in comparison with the previous **one year** period;

Or. en

*Justification*

*Change of criteria suggested.*

**Amendment 33**  
**Cornelia Ernst, Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 1 – point 2**

Regulation (EC) No 539/2001

Article 1a – paragraph 1 – point (a)

*Text proposed by the Commission*

(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;

*Amendment*

(a) **the arrival of nationals of a third country listed in Annex II represents a** sudden increase of at least **60%**, over a six month period, in the **overall** number of nationals of third **countries that are present** in the Member State(s) **concerned**, in comparison with the previous six month period;

Or. en

**Amendment 34**

**Tanja Fajon**

**Proposal for a regulation**

**Article 1 – point 2**

Regulation (EC) No 539/2001

Article 1a – paragraph 1 – point (a)

*Text proposed by the Commission*

(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**;

*Amendment*

(a) a sudden **and substantial** increase, **which has a serious impact on the overall migratory situation in the Member States concerned**, 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**;

Or. en

**Amendment 35**

**Cornelia Ernst, Marie-Christine Vergiat, Kyriacos Triantaphyllides**

**Proposal for a regulation**

**Article 1 – point 2**

Regulation (EC) No 539/2001

Article 1a – paragraph 1 – point (a a) (new)

*Text proposed by the Commission*

*Amendment*

***(aa) 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 having been convicted of crimes relating to organised crime or trafficking in human beings committed on the territory of the one or more Member States concerned, in comparison with the previous six month period;***

Or. en

*Justification*

*The suspension mechanism should be activated in case of increase of organised crime.*

**Amendment 36**

**Tatjana Ždanoka**

**Proposal for a regulation**

**Article 1 – point 2**

Regulation (EC) No 539/2001

Article 1a – paragraph 1 – point (b)

*Text proposed by the Commission*

*Amendment*

***(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 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;***

***deleted***

Or. en



## *Justification*

*The right to asylum, as stipulated in Article 18 of the Charter of Fundamental Rights and in international law, is an individual right. Therefore the nationals of a third country on the positive list should not be punished for the attempts of the nationals of the same country to use this right, even if without a good reason.*

### **Amendment 37**

**Cornelia Ernst, Marie-Christine Vergiat, Kyriacos Triantaphyllides**

#### **Proposal for a regulation**

##### **Article 1 – point 2**

Regulation (EC) No 539/2001

Article 1a – paragraph 1 – point (b)

*Text proposed by the Commission*

*Amendment*

*(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 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;*

*deleted*

Or. en

### **Amendment 38**

**Tanja Fajon**

#### **Proposal for a regulation**

##### **Article 1 – point 2**

Regulation (EC) No 539/2001

Article 1a – paragraph 1 – point (b)

*Text proposed by the Commission*

*Amendment*

(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 of a third country listed in Annex II for which the recognition rate of asylum

(b) a sudden *and substantial* increase, *which has a serious impact on the overall asylum system in the Member States concerned*, over a six month period, in comparison with the *same period in the* previous *year*, in the number of asylum

applications was less than 3% over that previous six month period;

applications from the 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;

Or. en

### **Amendment 39**

**Cornelia Ernst, Marie-Christine Vergiat, Kyriacos Triantaphyllides**

#### **Proposal for a regulation**

##### **Article 1 – point 2**

Regulation (EC) No 539/2001

Article 1a – paragraph 1 – point (c)

*Text proposed by the Commission*

*Amendment*

*(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.*

*deleted*

Or. en

### **Amendment 40**

**Tatjana Ždanoka**

#### **Proposal for a regulation**

##### **Article 1 – point 2**

Regulation (EC) No 539/2001

Article 1a – paragraph 1 – point (c)

*Text proposed by the Commission*

*Amendment*

(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

(c) a sudden **and substantial** increase of at least **100%**, over a **one year** 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

*six month* period.

previous *one year* period.

Or. en

*Justification*

*Change of criteria suggested*

**Amendment 41**

**Tanja Fajon**

**Proposal for a regulation**

**Article 1 – point 2**

COM(2011)0290

Article 1a – paragraph 1 – point c

*Text proposed by the Commission*

(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***.

*Amendment*

(c) a sudden ***and substantial*** increase, ***which has a serious impact on the overall migratory situation in the Member States concerned***, 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 42**

**Tatjana Ždanoka**

**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.

*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 the preliminary measures that the Member State concerned has taken with a view to remedying the situation.

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. ***The Commission shall inform the European Parliament and the Council immediately after receiving such notification by the Member State concerned.***

Or. en

### *Justification*

*The Parliament and the Council should be duly informed about developments at all stages.*

### **Amendment 43** **Tatjana Ždanoka**

**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

#### *Amendment*

3. The Commission shall examine the notification taking into account the ***scale of the increase, the*** number of Member States affected by any of the situations described in paragraph 1, ***the substantive factors affecting the specific circumstances of the notifying Member States*** 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. ***Following that examination and after reporting to the European Parliament and the Council, the Commission may adopt,*** within three months following the ***notification***, an implementing decision

(2). The implementing decision shall determine the date on which the suspension of the exemption of visa requirement is to take effect.

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

### *Justification*

*The Parliament and the Council should be duly informed about developments at all stages.*

#### **Amendment 44**

**Cornelia Ernst, Marie-Christine Vergiat**

#### **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

#### *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 the **situation** described in paragraph 1 and the overall impact of the increases on the situation in the Union as the latter appears from the data provided by the Member States as well as from reports prepared by **Europol** and/or **Eurojust, by the relevant bodies of the Council of Europe and of the OSCE and in consultation with Human Rights and/or Migrants NGOs** and, within three months following receipt thereof, the Commission **shall send the results of its examination to**

(2). The implementing decision shall determine the date on which the suspension of the exemption of visa requirement is to take effect.

*the European Parliament and the Council, after which 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 45**  
**Kinga Göncz**

**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 determine the date on which the suspension

*Amendment*

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 *and* from reports prepared by FRONTEX and/or the European Asylum Support Office, *as well as adequate alternative solutions other than suspension;* 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

of the exemption of visa requirement is to take effect.

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

Or. en

**Amendment 46**  
**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 determine the date on which the suspension of the exemption of visa requirement is to take effect.

*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 a maximum one month in which to express their position, after which 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 47**  
**Kinga Göncz**

**Proposal for a regulation**  
**Article 1 – point 2**  
Regulation (EC) No 539/2001  
Article 1a – paragraph 3 a (new)

*Text proposed by the Commission*

*Amendment*

***3a. The Commission shall take into account the specific situation of the third country concerned, the impact of such suspension on the country itself, and on the Union's relations with that third country, and work in close cooperation with that third country to find alternative long-term solutions.***

Or. en

**Amendment 48**  
**Tatjana Ždanoka**

**Proposal for a regulation**  
**Article 1 – point 2**  
Regulation (EC) No 539/2001  
Article 1a – paragraph 5

*Text proposed by the Commission*

*Amendment*

5. Where the Commission has proposed an amendment to this Regulation in order to transfer a third country to Annex I pursuant to paragraph 4, it can extend the validity of the implementing decision adopted pursuant to paragraph 3 for a period of maximum **nine** months. The decision to extend the validity of the implementing

5. Where the Commission has proposed an amendment to this Regulation in order to transfer a third country to Annex I pursuant to paragraph 4, it can extend the validity of the implementing decision adopted pursuant to paragraph 3 for a period of maximum **six** months. The decision to extend the validity of the implementing



decision shall be adopted in accordance with the procedure referred to in Article 4a (2).

decision shall be adopted in accordance with the procedure referred to in Article 4a (2).

Or. en

*Justification*

*The validity of the implementing decision should be restricted in time.*

**Amendment 49**  
**Manfred Weber**

**Proposal for a regulation**  
**Article 1 – point 4 – point a**  
Regulation (EC) No 539/2001  
Article 4 - paragraph 1 - point a

*Text proposed by the Commission*

(a) holders of diplomatic passports, service/official passports or special passports;

*Amendment*

(a) holders of diplomatic passports, service/official passports or special passports; ***if nationals of the third country in question require prior consultation pursuant to Article 22 of the Visa Code, the Council shall decide on the exemption from the visa requirement with a qualified majority at the initiative of the Member State making the proposal;***

Or. en

*Justification*

*Bei bilateralen Ausnahmen von der Visumpflicht für Diplomaten-, Dienst- und Spezialpassinhaber ist in Fällen, in denen ein Mitgliedstaat von der Visumpflicht für Offizialpassinhaber absehen möchte, für die ein anderer Mitgliedstaat die Konsultation seiner Sicherheitsbehörden (KZB-Pflicht) im Visumverfahren verlangt, die Wiedereinführung eines Verfahrens erforderlich, wie es nach Verordnung 789/2001 vorgesehen war und das mit dem Visakodex abgeschafft wurde. Die Möglichkeit, ohne Durchführung der Konsultation ein räumlich beschränktes Visum nach Art. 25 Abs. 1 (a) (iii) Visakodex zu erteilen, ist lediglich auf dringliche Ausnahmefälle beschränkt und daher kein Argument gegen ein Verfahren, wie es in Verordnung 789/2001 vorgesehen ist.*

**Amendment 50**  
**Cornelia Ernst, Marie-Christine Vergiat**

**Proposal for a regulation**

**Article 1 – point 4**

Regulation (EC) No 539/2001

Article 4 – paragraph 1 – point a a (new)

*Text proposed by the Commission*

*Amendment*

***(aa) crew and attendants on emergency or rescue flights and other helpers in the event of a disaster or accident;***

Or. en

*Justification*

*Member States should continue to be allowed to exempt this group of people from visa requirements.*

**Amendment 51**  
**Manfred Weber**

**Proposal for a regulation**

**Article 1 – point 4 – point a**

Regulation (EC) No 539/2001

Article 4 – paragraph 1 – point aa (new)

*Text proposed by the Commission*

*Amendment*

***(aa) civilian air and sea crew members;***

Or. de

**Amendment 52**  
**Tatjana Ždanoka**

**Proposal for a regulation**

**Article 1 – point 4 – point b**

Regulation (EC) No 539/2001

Article 4 – paragraph 2 – point (d)

*Text proposed by the Commission*

*Amendment*

**(b) in paragraph 2 the following point (d) is added:** *deleted*

***‘(d) recognised refugees and stateless persons and other persons who do not hold the nationality of any country who reside in the United Kingdom or in Ireland and are holders of a travel document issued by those Member States’***

Or. en

*Justification*

*Recognised refugees and stateless persons and other persons who do not hold the nationality of any country who reside in the United Kingdom or in Ireland and are holders of a travel document issued by the United Kingdom or Ireland should be exempted from the visa requirement.*

**Amendment 53**  
**Tatjana Ždanoka**

**Proposal for a regulation**  
**Article 1 – point 4 – point c**  
Regulation (EC) No 539/2001  
Article 4 – paragraph 4

*Text proposed by the Commission*

*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 **may** provide for exceptions from the visa requirement provided for by Article 1(1), as regards Turkish nationals providing services during their stay.

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 for exceptions from the visa requirement provided for by Article 1(1), as regards Turkish nationals providing services during their stay.

Or. en

*Justification*

*Member States have an obligation to follow the rulings of the ECJ*

**Amendment 54**

**Emine Bozkurt**

**Proposal for a regulation**

**Article 1 – point 4 – point c**

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 for exceptions from the visa requirement provided for by Article 1(1), as **decided by the Court of Justice of the European Union**.

Or. en

*Justification*

*This amendment takes into account previous and future judgements of the ECJ.*