



Plenary sitting

A8-0333/2016

15.11.2016

RECOMMENDATION

on the draft Council decision on the conclusion, on behalf of the European Union, of the Agreement between the European Union and Tuvalu on the short-stay visa waiver
(09764/2016– C8-0268/2016 – 2016/0100(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Mariya Gabriel

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, on behalf of the European Union, of the Agreement between the European Union and Tuvalu on the short-stay visa waiver (09764/2016– C8-0268/2016 – 2016/0100(NLE))

(Consent)

The European Parliament,

- having regard to the draft Council decision (09764/2016),
 - having regard to the draft Agreement between the European Union and Tuvalu on the short-stay visa waiver (09760/2016),
 - having regard to the request for consent submitted by the Council in accordance with Article 77(2)(a) and Article 218(6), second subparagraph, point (a)(v), of the Treaty on the Functioning of the European Union (C8-0268/2016),
 - having regard to Rule 99(1), first and third subparagraphs, Rule 99(2) and Rule 108(7) of its Rules of Procedure,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A8-0333/2016),
1. Gives its consent 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 Tuvalu.

SHORT JUSTIFICATION

The framework of relations, and general provisions of the agreement

Relations between the European Union and Tuvalu are governed by the partnership agreement between members of the African, Caribbean and Pacific Group of States of the one part and the European Union and its Member States of the other part, known as the Cotonou Agreement.

As part of the amendment of Regulation (EC) No 539/2001 by Regulation No 509/2014 of the European Parliament and of the Council, Tuvalu was transferred to Annex II, which establishes the list of third countries whose nationals are exempt from the requirement to obtain visas in order to cross the external borders of the Member States. Regulation No 539/2001 – in its amended form – applies to all Member States, with the exception of Ireland and the United Kingdom.

After the adoption of this Regulation on 20 May 2014, the Council adopted on 9 October 2014 a decision authorising the Commission to open negotiations with a view to the conclusion of the bilateral agreement between the EU and Tuvalu. The negotiations were launched on 19 November 2014 and concluded on 8 October 2015. The agreement was signed on 1 July 2016 in Brussels. Since that date, the agreement has applied provisionally, pending approval by the European Parliament. On 12 July 2016, the Council asked Parliament to give its consent.

The agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Tuvalu when travelling to the territory of the other Contracting Party for a maximum period of 90 days in any 180-day period. The visa waiver covers all categories of persons (ordinary, diplomatic, service/official and special passport holders) travelling for all kinds of purposes, except for the purpose of carrying out a paid activity.

Rapporteur's justification

This agreement on the waiver of short-stay visas simultaneously represents a culmination of the deepening of relations between the European Union and Tuvalu - which is politically highly significant in the context of the Cotonou Agreement – and is an additional way of stepping up economic and cultural relations and intensifying political dialogue on various issues, including human rights and fundamental freedoms.

The rapporteur notes that the visa waiver agreement could have positive effects by simplifying travel for businesspeople, facilitating investment and boosting tourism. It will furthermore encourage direct contacts between European citizens and Tuvaluans.

Tuvalu's economy is primarily based on services (more than 60% of GDP), including Internet services, with the sale of licences to use the .tv domain name constituting a major source of government revenue. Agriculture and fishing account for more than 20% of GDP. Fishing licences are a major source of income for the country. Tourism is relatively limited; there are fewer than 2 000 visitors a year, most from other Pacific countries. Tuvalu also remains dependent on international development assistance, and there are still major economic disparities between the islands in the archipelago. The EU is currently negotiating Comprehensive Economic Partnership Agreements with 14 Pacific countries, including

Tuvalu. The rapporteur points up the fact that the visa waiver agreement is further evidence of our commitment to the region, with a view to a strengthened partnership.

Politically, Tuvalu is a stable parliamentary democracy; it is a member of the Commonwealth. The two main issues in the political dialogue between the EU and Tuvalu are, firstly, environmental protection and climate change and, secondly, protection of human rights and gender equality. The country is among the most impoverished in the Pacific region and among the most exposed to the effects of climate change. Accordingly, special joint efforts are being made to address the interrelationship between climate change and human rights. The agreement also constitutes a positive sign of support for the country, allowing us to pursue a balanced, regular and in-depth political dialogue on these issues, which remain priorities for the EU.

With regard to mobility, the data available show that the visa refusal rate for nationals of Tuvalu and of the other Pacific island states is very low. However, it is complicated for Tuvalu nationals to make visa applications - before the provisional entry into force of the agreement - because Schengen Area countries' consulates are so far away. In 2014 and 2015, no Tuvalu nationals were arrested in the EU for being in an irregular situation, refused entry at external borders or returned. Moreover, no asylum applications were lodged by Tuvalu nationals. In addition, migration is directed more towards Australia and New Zealand, including migration related to climate change and its effects on island states such as Tuvalu. The country does not therefore pose any threat in terms of irregular migration, migration flows, security or public policy.

Lastly, the rapporteur would stress the by no means negligible impact which the visa waiver will have on rapprochement between the peoples of Europe and the Pacific. The visa waiver agreement will enable citizens not only to derive full and tangible benefit from the ACP-EU partnership but also to participate in it by travelling at a reduced, economical and practical cost.

In this context, the rapporteur welcomes the role played by members of the ACP-EU Joint Parliamentary Assembly (JPA), who did much to contribute to the conclusion of this agreement, which, in addition, will facilitate their attendance at meetings of the ACP-EU JPA.

Implementation and monitoring of the agreement

As regards the implementation and monitoring of the agreement, the rapporteur calls on the Commission to observe any developments in relation to the criteria which initially led to the transfer from Annex I to Annex II of Regulation No 509/2014. These criteria include not only clandestine immigration, public policy and security, but also the Union's external relations with the third countries concerned, including, in particular, considerations relating to respect for human rights and fundamental freedoms.

In addition, the rapporteur calls on the Commission and the authorities of Tuvalu to ensure full reciprocity of the visa waiver, which should permit equal treatment of all citizens, particularly all citizens of the Union.

The rapporteur would draw attention to the fact that, within the Joint Committee for the management of the agreement (Article 6), the European Union is represented only by the

Commission. As an institution directly elected by European citizens, which defends democracy, human rights and the fundamental principles of the European Union, the European Parliament could be involved in the work of the Joint Committee. Parliament's rapporteur once again encourages the Commission to review the composition of the joint management committees for future agreements.

The rapporteur also queries the practice of signing visa waiver agreements and applying them provisionally before the European Parliament has approved them. The rapporteur observes that this practice is liable to reduce Parliament's room for manoeuvre and is all the more problematic because Parliament is not informed about them as the bilateral negotiations progress.

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Special provisions

The specific situation of the United Kingdom and Ireland is taken into account in the preamble. Thus the United Kingdom and Ireland will not participate in the agreement which has been concluded and are not subject to its provisions.

The close involvement of Norway, Iceland, Switzerland and Liechtenstein with the implementation, application and development of the Schengen acquis is likewise reflected in a joint declaration annexed to the agreement. The declaration encourages the authorities of those countries to conclude as quickly as possible with Tuvalu bilateral agreements on the short-stay visa waiver in terms similar to those of this Agreement.

The agreement contains provisions related to its territorial application: in the case of France and the Netherlands, the provisions of the agreement apply only in those two Member States' European territories.

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Finally, the rapporteur recommends that the members of Parliament's Committee on Civil Liberties, Justice and Home Affairs support this report and that the European Parliament give its consent.

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Conclusion of the Agreement between the European Union and Tuvalu on the short-stay visa waiver		
References	09764/2016 – C8-0268/2016 – COM(2016)0190 – 2016/0100(NLE)		
Date of consultation / request for consent	12.7.2016		
Committee responsible Date announced in plenary	LIBE 12.9.2016		
Committees asked for opinions Date announced in plenary	AFET 12.9.2016		
Not delivering opinions Date of decision	AFET 24.5.2016		
Rapporteurs Date appointed	Mariya Gabriel 23.5.2016		
Discussed in committee	26.5.2016	12.10.2016	8.11.2016
Date adopted	8.11.2016		
Result of final vote	+: 43 -: 4 0: 0		
Members present for the final vote	Martina Anderson, Gerard Batten, Malin Björk, Michał Boni, Caterina Chinnici, Rachida Dati, Tanja Fajon, Mariya Gabriel, Kinga Gál, Ana Gomes, Nathalie Griesbeck, Jussi Halla-aho, Sophia in 't Veld, Barbara Kudrycka, Marju Lauristin, Juan Fernando López Aguilar, Roberta Metsola, Claude Moraes, Péter Niedermüller, Judith Sargentini, Birgit Sippel, Csaba Sógor, Helga Stevens, Traian Ungureanu, Bodil Valero, Udo Voigt, Beatrix von Storch, Josef Weidenholzer, Cecilia Wikström, Kristina Winberg, Tomáš Zdechovský		
Substitutes present for the final vote	Vilija Blinkevičiūtė, Kostas Chrysogonos, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Miriam Dalli, Daniel Dalton, Teresa Jiménez-Becerril Barrio, Ska Keller, Miltiadis Kyrkos, Jeroen Lenaers, Ulrike Lunacek, Andrejs Mamikins, Axel Voss		
Substitutes under Rule 200(2) present for the final vote	Agnieszka Kozłowska-Rajewicz, Maria Noichl		
Date tabled	15.11.2016		

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

43	+
ALDE	Nathalie Griesbeck, Cecilia Wikström, Sophia in 't Veld
ECR	Daniel Dalton, Jussi Halla-aho, Helga Stevens
GUE	Martina Anderson, Malin Björk, Kostas Chrysogonos
PPE	Michał Boni, Carlos Coelho, Anna Maria Corazza Bildt, Pál Csáky, Rachida Dati, Mariya Gabriel, Kinga Gál, Teresa Jiménez-Becerril Barrio, Agnieszka Kozłowska-Rajewicz, Barbara Kudrycka, Jeroen Lenaers, Roberta Metsola, Csaba Sógor, Traian Ungureanu, Axel Voss, Tomáš Zdechovský
S&D	Vilija Blinkevičiūtė, Caterina Chinnici, Miriam Dalli, Tanja Fajon, Ana Gomes, Miltiadis Kyrkos, Marju Lauristin, Juan Fernando López Aguilar, Andrejs Mamikins, Claude Moraes, Péter Niedermüller, Maria Noichl, Birgit Sippel, Josef Weidenholzer
VERTS/ALE	Ska Keller, Ulrike Lunacek, Judith Sargentini, Bodil Valero

4	-
EFDD	Gerard Batten, Kristina, Winberg, Beatrix von Storch
NI	Udo Voigt,

	0

Key to symbols:

+ : in favour

- : against

0 : abstention