

Amendment 79

Marie-Christine Vergiat, Marisa Matias, Barbara Spinelli, Ángela Vallina, Martina Anderson, Marie-Pierre Vieu, Paloma López Bermejo, Dimitrios Papadimoulis
on behalf of the GUE/NGL Group

Report

A8-0434/2018

Juan Fernando López Aguilar

Visa Code

(COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Proposal for a regulation**Recital 2***Text proposed by the Commission*

(2) The Union should use its visa policy in its cooperation with third countries, **and** to ensure a **better** balance between **migration and** security concerns, economic considerations and general external relations.

Amendment

(2) The Union should use its visa policy in its cooperation with third countries **in order** to ensure a **correct** balance between security concerns, **humanitarian** economic considerations and general external relations. **In particular, it must ensure compliance with international law obligations, especially the European Convention for the Protection of Human Rights and Fundamental Freedoms, the International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights, the 1951 Geneva Convention on Refugees and the 1967 New York Protocol, the UN Conventions against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women.**

Or. en

7.12.2018

A8-0434/80

Amendment 80

Marie-Christine Vergiat, Marisa Matias, Barbara Spinelli, Ángela Vallina, Martina Anderson, Marie-Pierre Vieu, Paloma López Bermejo, Dimitrios Papadimoulis
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(COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Proposal for a regulation

Recital 11

Text proposed by the Commission

Amendment

(11) In case of lack of cooperation of certain third countries to readmit their nationals apprehended in an irregular situation and failure of those third countries to cooperate effectively in the return process, a restrictive and temporary application of certain provisions of Regulation (EC) No 810/2009 should on the basis of a transparent mechanism based on objective criteria, be applied to enhance a given third country's cooperation on readmission of irregular migrants.

deleted

Or. en

7.12.2018

A8-0434/81

Amendment 81

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(COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Proposal for a regulation

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

Regulation (EC) No 810/2009

Article 1 – paragraph 3

Text proposed by the Commission

Amendment

***(1a) in Article 1, paragraph 3 is
deleted;***

Or. en

Justification

Deletes: "This Regulation also lists the third countries whose nationals are required to hold an airport transit visa by way of exception from the principle of free transit laid down in Annex 9 to the Chicago Convention on International Civil Aviation, and establishes the procedures and conditions for issuing visas for the purpose of transit through the international transit areas of Member States' airports" Horizontal amendment, if adopted to delete the airport transit visa requirements.

7.12.2018

A8-0434/82

Amendment 82

**Marie-Christine Vergiat, Marisa Matias, Barbara Spinelli, Martina Anderson,
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(COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 2 – point a a (new)

Regulation (EC) No 810/2009

Article 2 – paragraph 3 – point 5

Text proposed by the Commission

Amendment

(aa) point (5) is deleted;

Or. en

Justification

Deletes: " 'airport transit visa' means a visa valid for transit through the international transit areas of one or more airports of the Member States;" Horizontal amendment, if adopted to delete the airport transit visa requirements.

7.12.2018

A8-0434/83

Amendment 83

**Marie-Christine Vergiat, Marisa Matias, Barbara Spinelli, Martina Anderson,
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(COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 9 a (new)

Regulation (EC) No 810/2009

Article 13 – paragraph 7 – point a

Present text

Amendment

(a) children under the age of 12;

*(9a) in Article 13(7), point (a) is
replaced by the following:*

“(a) minors under the age of 18;”

Or. en

Justification

To reflect that biometric data of minors below 18 years old shall not be collected.

7.12.2018

A8-0434/84

Amendment 84

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A8-0434/2018

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Visa Code

(COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 10 – point a

Regulation (EC) No 810/2009

Article 14 – paragraph 5

Text proposed by the Commission

Amendment

5. Member States' consulates shall within local Schengen cooperation, as referred to in Article 48, assess the implementation of the conditions laid down in paragraph 1, to take account of local circumstances, *and of migratory and security risks.*”;

5. Member States' consulates shall within local Schengen cooperation, as referred to in Article 48, assess the implementation of the conditions laid down in paragraph 1, to take account of local circumstances;

Or. en

7.12.2018

A8-0434/85

Amendment 85

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Visa Code

(COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 12 – point f

Regulation (EC) No 810/2009

Article 16 – paragraph 8 a

Text proposed by the Commission

Amendment

***(f) the following new paragraph is
inserted:***

deleted

***“8a. The Commission shall assess the
need to revise the amount of the visa fees
set out in Article 16(1), (2) and (2a) every
two years, taking into account objective
criteria, such as the general EU-wide
inflation rate as published by Eurostat,
and the weighted average of the salaries
of Member States' civil servants and,
where appropriate, amend the amount of
the visa fees by means of delegated acts.”;***

Or. en

7.12.2018

A8-0434/86

Amendment 86

**Marie-Christine Vergiat, Marisa Matias, Barbara Spinelli, Martina Anderson,
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Visa Code

(COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 18

Regulation (EC) No 810/2009

Article 25 a

Text proposed by the Commission

Amendment

(18) the following new Article is inserted: **deleted**

“Article 25a

Cooperation on readmission

1. Article 14 (6), Article 16(1) and (5), point (b), Article 23(1), and Article 24(2) shall not apply to applicants or categories of applicants, who are nationals of a third country that is considered not to be cooperating sufficiently with Member States on the readmission of irregular migrants, on the basis of relevant and objective data, in accordance with this Article. This Article is without prejudice to the powers conferred on the Commission by Article 24(2d).

2. The Commission shall regularly assess third countries' cooperation with regard to readmission, taking account, in particular, of the following indicators:

(a) the number of return decisions issued to persons illegally staying on the territory of the Member States from the third country in question;

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(b) the number of actual returns of persons issued with return decisions as a percentage of the number of return decisions issued to citizens of the third country in question including, where appropriate, on the basis of Union or bilateral readmission agreements, the number of third country nationals who have transited through its territory;

(c) the number of readmission requests accepted by the third country as a percentage of the number of such applications submitted to it.

3. A Member State may also notify the Commission if it is confronted with substantial and persisting practical problems in the cooperation with a third country in the readmission of irregular migrants on the basis of the same indicators as those listed in paragraph 2.

4. The Commission shall examine any notification made pursuant to paragraph 3 within a period of one month.

5. Where, on the basis of the analysis referred to in paragraphs 2 and 4, the Commission decides that a country is not cooperating sufficiently, and that action is therefore needed, it may, taking also account of the Union's overall relations with the third country concerned, adopt an implementing act, in accordance with the examination procedure referred to in Article 52(2):

(a) temporarily suspending the application of either Article 14(6), Article 16(5) point (b), Article 23(1), or Article 24(2), or of some or all of those provisions, to all nationals on the third country concerned or to certain categories thereof, or

(b) applying the visa fee set out in Article 16(2a) to all nationals of the third country concerned or to certain categories thereof.

6. The Commission shall continuously assess on the basis of the indicators set out in paragraph 2 whether significant improvement in the given third country's cooperation on readmission of irregular migrants can be established and, taking also account of the Union's overall relations with the third country concerned, may decide to repeal or amend the implementing act referred to in paragraph 5.

7. At the latest six months after the entry into force of the implementing act referred to in paragraph 5, the Commission shall report to the European Parliament and to the Council on progress achieved in that third country's cooperation on readmission.”;

Or. en

Justification

This AM seeks to delete all Article 25 a as proposed by the Commission.

7.12.2018

A8-0434/87

Amendment 87

**Marie-Christine Vergiat, Marisa Matias, Barbara Spinelli, Martina Anderson,
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on behalf of the GUE/NGL Group

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A8-0434/2018

Juan Fernando López Aguilar

Visa Code

(COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 24

Regulation (EC) No 810/2009

Article 36 a – paragraph 2

Text proposed by the Commission

Amendment

2. The duration of the scheme shall be limited to four months in any calendar year and the categories of beneficiary shall be clearly defined and exclude third-country nationals falling within the category of persons for whom prior consultation is required in accordance with Article 22 and persons not residing in the country adjacent to the land-border crossing point or in a country having direct ferry connections to the sea-border crossing point. ***Those schemes shall only apply to nationals of third countries with which readmission agreements have been concluded and for which the Commission has not taken a decision in accordance with Article 25a(5).***

2. The duration of the scheme shall be limited to four months in any calendar year and the categories of beneficiary shall be clearly defined and exclude third-country nationals falling within the category of persons for whom prior consultation is required in accordance with Article 22 and persons not residing in the country adjacent to the land-border crossing point or in a country having direct ferry connections to the sea-border crossing point.

Or. en

7.12.2018

A8-0434/88

Amendment 88

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(COM(2018)0252 – C8-0114/2018 – 2018/0061(COD))

Proposal for a regulation

Article 1 – paragraph 1 – point 26 a (new)

Regulation (EC) No 810/2009

Article 39 – paragraph 3

Text proposed by the Commission

Amendment

***(26a) in Article 39, paragraph 3 is
amended as follows:***

***"While performing their tasks, consular
staff shall not discriminate against
persons on grounds of nationality, sex,
gender, family status, origin, actual or
assumed religion, belief, disability, age or
sexual orientation."***

Or. en