



Plenary sitting

A9-0090/2020

27.4.2020

RECOMMENDATION

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas
(12362/2019– C9-0013/2020 – 2019/0182(NLE))

Committee on Civil Liberties, Justice and Home Affairs

Rapporteur: Ondřej Kovařík

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 of the Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas
(12362/2019– C9-0013/2020 – 2019/0182(NLE))**

(Consent)

The European Parliament,

- having regard to the draft Council decision (12362/2019),
 - having regard to the draft Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas (12363/2019),
 - having regard to the request for consent submitted by the Council in accordance with Article 77(2), point (a) and Article 218(6), second subparagraph, point (a), of the Treaty on the Functioning of the European Union (C9-0013/2020),
 - having regard to Rule 105(1) and (4) and Rule 114(7) of its Rules of Procedure,
 - having regard to the opinion of the Committee on Foreign Affairs,
 - having regard to the recommendation of the Committee on Civil Liberties, Justice and Home Affairs (A9-0090/2020),
1. Gives its consent to the 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 the Republic of Belarus.

EXPLANATORY STATEMENT

Background

In the context of the Eastern Partnership Summit Declaration of 7 May 2009, the Union and the partner countries expressed their political support towards liberalisation of the visa regime in a safe and secure environment and reaffirmed their intention to take gradual steps towards a visa free regime for their citizens in due course.

On that basis, the Commission presented on 12 November 2010, a recommendation to the Council with a view to obtaining directives to negotiate Agreements with the Republic of Belarus on, respectively, the facilitation of the issuance of short-stay visas, and readmission of persons residing without authorisation.

Negotiations with Belarus were officially opened in Brussels on 30 January 2014 and resulted in an agreement initialled on 17 June 2019. In the meantime, Belarus, the European Union and seven participating Member States (Bulgaria, Romania, Lithuania, Poland, Hungary, Finland and Latvia) signed a joint declaration on a mobility partnership on 13 October 2016.

Aim and Content of the Agreement

The agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas (hereinafter: ‘the Agreement’) aims to facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days in any 180-day period to the citizens of the Union and Belarus.

The key amendments to the agreement are as follows:

- for all visa applicants, a decision on whether or not to issue a visa must, in principle, be taken within 10 calendar days. This period may be extended to a maximum of 30 calendar days when further examination is required. In urgent cases, it may be reduced to two working days or less;
- the amount of fees charged for processing visa applications from citizens of the European Union and Belarus shall be EUR 35. These fees shall apply to all visa applicants. In addition, the following categories of persons shall be exempt from these visa fees: children under 12 years of age, persons with disabilities, close relatives, members of official delegations;
- the documents required to justify the purpose of the trip have been simplified for certain categories of applicants (e.g. close relatives, business people, members of official delegations, primary and secondary school pupils, students, persons participating in scientific, cultural and sporting events, journalists, etc.);
- simplified conditions are provided for the issue of multiple-entry visas valid from 1 to 5 years to certain categories of persons (e.g. members of governments, parliaments and courts, permanent members of official delegations, spouses and children visiting European Union citizens legally residing in the territory of Belarus, or citizens of the Republic of Belarus legally residing in a Member State, persons participating in official, scientific or cultural exchange programmes or cross-border programmes, international sports events);
- citizens of the European Union and citizens of Belarus holding a valid biometric diplomatic

passport and holders of a valid EU laissez-passer are exempt from the visa requirement for short stays. However, the final assessment of Belarus system of issuance will have to be made by the Commission, in consultation with the Member States, before the conclusion of the Agreement.

The importance of the fundamental principles governing the cooperation between the Parties as well as the obligations and responsibilities, including the respect of human rights and democratic principles, stemming from the relevant international instruments to which they are bound, is underlined in a preamble to the Agreement.

The Parties may suspend the Agreement in whole or in part for any reason, including grounds for suspension such as breach or abuse of a provision of the Agreement, human rights and democracy considerations.

Observations by the rapporteur

The EU-Belarus relations have been progressing over the years, with the EU deepening its engagement with Belarus. The steps taken include, according to the Council of the EU:

- technical dialogues on specific topics
- cooperation through the multilateral track of the Eastern Partnership
- support to civil society and victims of repression
- the launch in January 2014 of negotiations on visa facilitation and readmission agreements and the launch of negotiations on a mobility partnership in 2015
- dialogue on the reforms needed to modernise Belarus and on the potential for developing relations with the EU (including possible EU financial support)

Belarus is, therefore, engaging in improving the respect universal freedoms, the rule of law, and human rights, including the freedoms of speech, expression and of media, and labour rights. This should remain fundamental criteria for determining the EU's policy towards Belarus.

Against this backdrop, a Visa Facilitation with Belarus was recently concluded, in order to facilitate people to people contacts as an important condition for a steady development of economic, humanitarian, cultural, scientific and other ties, by facilitating the issuing of visas to citizens of the Union and Belarus on a basis of reciprocity.

The purpose of the agreement is to facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days in any 180-day period to the citizens of the Union and Belarus.

Short-term visa free regime for the specific categories of applicants will not change the conditions for entry and stay of Belarus citizens as laid down in the Schengen Borders Code for short stays and in Member States' national law for long stays. Furthermore, it does not mean the absence of controls of the conditions for entry and stay. Belarus citizens will have to justify the purpose and conditions of their journey.

The visa liberalisation process is also an opportunity for Belarus to continue to implement the reforms needed in the area of freedom, security and justice.

The rapporteur underlines the importance of the following aspects upon the entry into force of this agreement:

- In order to harmonise information on procedures for issuing short-stay visas and documents to be submitted when applying for short-stay visas Belarus authorities should draw up basic information for applicants on the procedures and conditions for applying for short-stay visas and on their validity;
- Belarus authorities should regularly inform the EU about the measures taken for avoiding the proliferation of travel documents, developing the technical aspects of travel document security as well as regarding the personalisation process of the issuance of travel documents;
- Belarus should inform without undue delay in case of introducing the new travel documents or changing the existing travel documents and submit the samples of these travel documents and their description;
- Acknowledging the importance of an effective implementation of this Agreement, Belarus should provide and maintain adequate consular staff levels.

The rapporteur concluded that this agreement on visa facilitation offers the opportunity for the EU and Belarus to move closer to each other and to avoid the creation of dividing lines between the EU and its neighbour.

The rapporteur proposes that, in view of these positive improvements, the European Parliament should support the consent of this agreement.

OPINION OF THE COMMITTEE ON FOREIGN AFFAIRS

for the Committee on Civil Liberties, Justice and Home Affairs

on the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas (12362/2019 – C9-0013/2020 – 2019/0182(NLE))

Rapporteur for opinion: Petras Auštrevičius

SHORT JUSTIFICATION

Intensifying people-to-people contacts, by enhancing mobility in a secure and well-managed environment, is one of the guiding principles of the Eastern Partnership. Visa liberalisation remains a shared objective of individual partner countries and the EU alike for the benefit of the population at large.

The rapporteur welcomes the proposal as a positive development in the EU-Belarus relations and highlights its importance for Belarusian people to engage with the EU citizens and to familiarize with the European realities, culture and way of life. Acknowledges that election processes and political system in Belarus do not adhere to European and international standards and do not secure and protect the universal fundamental freedoms. Parliamentary election in 2019 included significant procedural shortcomings, among which were restrictive measures towards the opposition parties and candidates, and demonstrated no improvement in democracy. Therefore, the visa facilitation agreement should be used for enhancing the grassroots level cooperation and further strengthening and supporting Belarusian civil society.

Already in its Communication on Strengthening the European Neighbourhood Policy (ENP) of 4 December 2006, the Commission had recommended that negotiations on readmission and visa facilitation should be initiated with Eastern Neighbourhood countries.

The Prague Summit Joint Declaration of 7 May 2009 establishing the Eastern Partnership has underlined the importance of promoting the mobility of citizens in a secure environment, through visa facilitation and readmission agreements. It set visa liberalisation as the long-term objective that has to be accompanied by improvement in security conditions to fight cross border crime and irregular migration. The Warsaw Summit of September 2011 and the Vilnius Summit of November 2013 reconfirmed these objectives, stressing particularly that further cooperation and coordination should include the prevention of and the fight against illegal migration, the promotion of secure and well-managed migration and mobility and integrated border management as a goal. The Brussels Summit of November 2017 insisted that the conclusion of a Visa Facilitation Agreement and Readmission Agreement with Belarus would pave the way for further progress on mobility, while increasing security.

According to the common approach for the development of EU policy on visa facilitation agreed at the level of COREPER by the Member States in December 2005, a visa facilitation agreement shall not be concluded without a readmission agreement being in place.

Over the past four years, there has been progress in EU-Belarus relations. Belarus has been participating in the Eastern Partnership, notably within its multilateral formats. At the initiative of the Belarusian authorities, an annual EU-Belarus Human Rights Dialogue resumed in 2015. A Mobility Partnership was launched in 2016; it turned out to be a key instrument in developing our cooperation on migration, while enhancing the mobility of EU and Belarusian citizens in a well-managed and secure environment. Further, tangible steps by Belarus to respect universal fundamental freedoms, rule of law and human rights, will remain key for the shaping of the EU's future policy vis-à-vis Belarus, in a spirit of "critical engagement".

The proposed decision takes into account and reflects the existing framework for cooperation with Belarus, in particular the aforementioned Mobility Partnership, the Declarations from the Eastern Partnership Summits, as well as the negotiations on the EU-Belarus Partnership Priorities. Similar agreements have been concluded already with Armenia, Azerbaijan, Georgia, Moldova and Ukraine.

The formal authorisation for negotiation of the Agreement on the facilitation of the issuance of visas with Belarus was given by the Council on 28 February 2011. The negotiations began in June 2014 and the agreed text was initialled on 17 June 2019. The European Union and Belarus finally signed the visa facilitation agreement and the readmission agreement on 8 January 2020.

The proposed decision concerning the conclusion of the agreement aims to facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days in any 180-day period to EU and Belarusian citizens, and sets the visa fee for processing applications at EUR 35. It includes standard elements of EU visa facilitation agreements, establishing the delays for the decision on issuing the visa, the fees and exemptions thereof, the required documentation and the exemptions, as well as simplification of criteria for certain categories of persons. Furthermore, the proposal includes a Joint Declaration on cooperation on travel documents and regular exchange of information on travel document security, as well as a Joint Declaration on the harmonisation of information procedures and documents to be submitted when applying for short-stay visas. The provisions constitute a development of the Schengen *acquis* and do not apply to the United Kingdom, Ireland and the Kingdom of Denmark, which are invited to conclude bilateral visa facilitation agreements, as are the countries non EU Members, but party to the Schengen agreement.

The improvement of mobility will facilitate people-to-people contacts, an essential element for development of economic, commercial, social, cultural and other ties. It is thus a key for the realisation of Eastern Partnership, recalling that the long-term objective is full visa liberalisation.

The agreement on visa facilitation should enter into force simultaneously with the readmission agreement, since the two agreements are linked.

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and Home Affairs, as the committee responsible, to recommend approval of the draft Council decision on the conclusion of the Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas.

PROCEDURE – COMMITTEE ASKED FOR OPINION

Title	Conclusion of the Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas						
References	12362/2019 – C9-0013/2020 – 2019/0182(NLE)						
Committee responsible	LIBE						
Opinion by Date announced in plenary	AFET 29.1.2020						
Rapporteur Date appointed	Petras Auštrevičius 30.9.2019						
Date adopted	19.2.2020						
Result of final vote	<table> <tr> <td>+: </td><td>57</td></tr> <tr> <td>–: </td><td>3</td></tr> <tr> <td>0: </td><td>0</td></tr> </table>	+:	57	–:	3	0:	0
+:	57						
–:	3						
0:	0						
Members present for the final vote	Alviina Alametsä, Maria Arena, Petras Auštrevičius, Traian Băsescu, Lars Patrick Berg, Anna Bonfrisco, Fabio Massimo Castaldo, Włodzimierz Cimoszewicz, Katalin Cseh, Tanja Fajon, Anna Fotyga, Michael Gahler, Kinga Gál, Sunčana Glavak, Klemen Grošelj, Sandra Kalniete, Dietmar Köster, Stelios Kouloglou, Ilhan Kyuchyuk, Miriam Lexmann, Nathalie Loiseau, Jaak Madison, Thierry Mariani, David McAllister, Vangelis Meimarakis, Sven Mikser, Francisco José Millán Mon, Javier Nart, Urmas Paet, Demetris Papadakis, Kostas Papadakis, Tonino Picula, Kati Piri, Giuliano Pisapia, Jérôme Rivière, Nacho Sánchez Amor, Andreas Schieder, Radosław Sikorski, Sergei Stanishev, Hermann Tertsch, Hilde Vautmans, Harald Vilimsky, Thomas Waitz, Witold Jan Waszczykowski, Charlie Weimers, Isabel Wiseler-Lima, Salima Yenbou						
Substitutes present for the final vote	Arnaud Danjean, Özlem Demirel, Engin Eroglu, Evin Incir, Andrey Kovatchev, Sergey Lagodinsky, Katrin Langensiepen, Gabriel Mato, Kris Peeters, Paulo Rangel, Nils Ušakovs, Mick Wallace						
Substitutes under Rule 209(7) present for the final vote	Tudor Ciuhodaru						

FINAL VOTE BY ROLL CALL IN COMMITTEE ASKED FOR OPINION

57	+
ECR	Anna Fotyga, Hermann Tertsch, Witold Jan Waszczykowski, Charlie Weimers
GUE/NGL	Özlem Demirel, Stelios Kouloglou, Mick Wallace
ID	Anna Bonfrisco, Thierry Mariani, Jérôme Rivière
NI	Fabio Massimo Castaldo, Kostas Papadakis
PPE	Traian Băsescu, Arnaud Danjean, Michael Gahler, Kinga Gál, Sunčana Glavak, Sandra Kalniete, Andrey Kovatchev, Miriam Lexmann, David McAllister, Gabriel Mato, Vangelis Meimarakis, Francisco José Millán Mon, Kris Peeters, Paulo Rangel, Radosław Sikorski, Isabel Wiseler-Lima
RENEW	Petras Auštrevičius, Katalin Cseh, Engin Eroglu, Klemen Grošelj, Ilhan Kyuchyuk, Nathalie Loiseau, Javier Nart, Urmas Paet, Hilde Vautmans
S&D	Maria Arena, Włodzimierz Cimoszewicz, Tudor Ciuhodaru, Tanja Fajon, Evin Incir, Dietmar Köster, Sven Mikser, Demetris Papadakis, Tonino Picula, Kati Piri, Giuliano Pisapia, Nacho Sánchez Amor, Andreas Schieder, Sergei Stanishev, Nils Ušakovs
VERTS/ALE	Alviina Alametsä, Sergey Lagodinsky, Katrin Langensiepen, Thomas Waitz, Salima Yenbou

3	-
ID	Lars Patrick Berg, Jaak Madison, Harald Vilimsky

0	0

Key to symbols:

+ : in favour

- : against

0 : abstention

PROCEDURE – COMMITTEE RESPONSIBLE

Title	Conclusion of the Agreement between the European Union and the Republic of Belarus on the facilitation of the issuance of visas
References	12362/2019 – C9-0013/2020 – 2019/0182(NLE)
Date of consultation / request for consent	21.1.2020
Committee responsible Date announced in plenary	LIBE 29.1.2020
Committees asked for opinions Date announced in plenary	AFET 29.1.2020
Rapporteurs Date appointed	Ondřej Kovařík 6.2.2020
Previous rapporteurs	Antony Hook
Discussed in committee	28.1.2020
Date adopted	23.4.2020
Result of final vote	+: 61 -: 6 0: 0
Members present for the final vote	Magdalena Adamowicz, Katarina Barley, Fernando Barrena Arza, Pietro Bartolo, Nicolas Bay, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Patrick Breyer, Saskia Bricmont, Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Damien Carême, Caterina Chinnici, Clare Daly, Marcel de Graaff, Anna Júlia Donáth, Lena Düpont, Laura Ferrara, Nicolaus Fest, Sylvie Guillaume, Andrzej Halicki, Balázs Hidvéghi, Evin Incir, Sophia in 't Veld, Patryk Jaki, Livia Járóka, Marina Kaljurand, Assita Kanko, Fabienne Keller, Peter Kofod, Moritz Körner, Alice Kuhnke, Jeroen Lenaers, Juan Fernando López Aguilar, Lukas Mandl, Nuno Melo, Roberta Metsola, Nadine Morano, Javier Moreno Sánchez, Maite Pagazaurtundúa, Nicola Procaccini, Emil Radev, Paulo Rangel, Diana Riba i Giner, Ralf Seekatz, Michal Šimečka, Birgit Sippel, Sylwia Spurek, Tineke Strik, Ramona Strugariu, Annalisa Tardino, Cristian Terheș, Tomas Tobé, Dragoș Tudorache, Milan Uhrík, Tom Vandendriessche, Bettina Vollath, Jadwiga Wiśniewska, Elena Yoncheva, Javier Zarzalejos
Substitutes present for the final vote	Ondřej Kovařík, Kostas Papadakis, Anne-Sophie Pelletier, Miguel Urbán Crespo, Petar Vitanov, Tatjana Ždanoka
Date tabled	27.4.2020

FINAL VOTE BY ROLL CALL IN COMMITTEE RESPONSIBLE

61	+
PPE	Magdalena Adamowicz, Vladimír Bilčík, Vasile Blaga, Ioan-Rareș Bogdan, Lena Düpont, Andrzej Halicki, Balázs Hidvéghi, Livia Járóka, Jeroen Lenaers, Lukas Mandl, Nuno Melo, Roberta Metsola, Nadine Morano, Emil Radev, Paulo Rangel, Ralf Seekatz, Tomas Tobé, Javier Zarzalejos
S&D	Katarina Barley, Pietro Bartolo, Caterina Chinnici, Sylvie Guillaume, Evin Incir, Marina Kaljurand, Juan Fernando López Aguilar, Javier Moreno Sánchez, Brigit Sippel, Sylwia Spurek, Cristian Terheș, Bettina Vollath, Elena Yoncheva, Petar Vitanov
RENEW	Anna Júlia Donáth, Sophia in 't Veld, Fabienne Keller, Moritz Körner, Maite Pagazaurtundúa, Michal Šimečka, Ramona Strugariu, Dragoș Tudorache, Ondřej Kovářik
ID	Annalisa Tardino
VERTS/ALE	Patrick Breyer, Saskia Bricmont, Damien Carême, , Tatjana Ždanoka, Diana Riba I Giner, Tineke Strik
ECR	Joachim Stanisław Brudziński, Jorge Buxadé Villalba, Patryk Jaki, Assita Kanko, Nicola Procaccini, Jadwiga Wiśniewska
GUE/NGL	Pernando Barrena Arza, Clare Daly, Anne-Sophie Pelletier, Miguel Urbán Crespo
NI	Laura Ferrara, Kostas Papadakis, Milan Uhrík

6	-
ID	Nicholas Bay, Marcel De Graaff, Nicolaus Fest, Peter Kofod, Tom Vandendriessche
VERTS/ALE	Alice Kuhnke

0	0
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Key to symbols:

+ : in favour

- : against

0 : abstention