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Committee on Foreign Affairs

2011/0138(COD)

25.10.2011

DRAFT OPINION

of the Committee on Foreign Affairs

for the Committee on Civil Liberties, Justice and Home Affairs

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 (COM(2011)0290 – C7-0135/2011 – 2011/0138(COD))

Rapporteur: Andrey Kovatchev

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SHORT JUSTIFICATION

The Committee on Foreign Affairs welcomes the Commission proposal for amending Regulation EC 539/2001.

As precisely detailed in the Commission proposal, the reciprocity mechanism needs to be updated in order to fully comply with the provisions of the Treaty on the Functioning of the European Union (TFEU).

The Committee on Foreign Affairs agrees that the current reciprocity mechanism has proved efficient and need not be modified beyond the necessary codification exercise. It also believes that the deliberations in the Council and the European Parliament are necessary before the Commission presents its proposal on temporary restoration of the visa requirement for the third country in question.

Concerning the proposal for introduction of a safeguard clause, the Committee recognises that the very existence of this clause, which provides a general framework for the future, may help overcome the reluctance of certain Member States to pave the way for further visa liberalisation processes and increase the transparency of EU's policies and decision-making mechanisms towards its partners.

While understanding the necessity of relative indicators proposed in the new Article 1a, it considers that substantial increase in real numbers shall be necessary to trigger the safeguard clause. It welcomes the commitment of the Commission to non-automatism and assessment of the appropriateness of suppressing the visa waiver for a third country by taking into account the number of Member States affected and the overall impact of the "emergency situation" in question on the migratory situation in the EU.

It furthermore insists that any assessment of an 'emergency situation' by the European Commission should take into account the broader EU foreign policy context and in particular the impact of the suspension of a visa waiver on the EU policies and standing towards the third country concerned and its neighbouring region. The granting of a visa-free regime is always one element in broader relations between the EU and a third country or a region. Thus, the reintroduction of a visa requirement can not be disconnected from this broader process and should in particular not jeopardise the consistency of EU's external policies.

The Committee therefore proposes that the Commission should examine the notification by a Member State by not only considering data provided by the Member States and reports prepared by FRONTEX and/or the European Asylum Support office, but also on the basis of an assessment prepared by the European External Action Service (EEAS). The relevant services of the Commission, as well as FRONTEX and the European Asylum Support office should therefore involve the EEAS in the process as early as possible.

AMENDMENTS

The Committee on Foreign Affairs calls on the Committee on Civil Liberties, Justice and

Home Affairs, as the committee responsible, to incorporate the following amendment in its report:

Amendment 1

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 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. ***The Commission shall also take into account the impact of a possible reintroduction of the visa requirement on the Union policies and standing towards the third country concerned and its neighbouring region, on the basis of a report by the European External Action Service.*** Within three months following receipt *of the notification*, 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.

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