



**2016/0098(NLE)**

28.9.2016

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## **DRAFT RECOMMENDATION**

on the draft Council decision on the conclusion, on behalf of the Union, of the Agreement between the European Union and the Federated States of Micronesia on the short-stay visa waiver  
(09780/2016 – C8-0388/2016 – 2016/0098(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 Union, of the Agreement between the European Union and the Federated States of Micronesia on the short-stay visa waiver (09780/2016 – C8-0388/2016 – 2016/0098(NLE))**

### **(Consent)**

*The European Parliament,*

- having regard to the draft Council decision (09780/2016),
  - having regard to the draft agreement between the European Union and the Federated States of Micronesia on the short-stay visa waiver (09779/2016),
  - 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 (C8-0388/2016),
  - 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 (A8-0000/2016),
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 Federated States of Micronesia.

## SHORT JUSTIFICATION

### The framework of relations, and general provisions of the agreement

Relations between the European Union and the Federated States of Micronesia 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 the Council Regulation (EC) No 539/2001<sup>1</sup> by Regulation (EU) No 509/2014 of the European Parliament and of the Council<sup>2</sup>, the Federated States of Micronesia were 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 (EC) 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 a decision on 9 October 2014, authorising the Commission to open negotiations with a view to the conclusion of the bilateral agreement between the European Union and the Federated States of Micronesia. Negotiations were opened on 17 December 2014 and were successfully finalised by the initialling thereof, by exchange of letters, on 16 December 2015 by the Federated States of Micronesia and on 13 January 2016 by the European Union. On 24 June 2016, the Council adopted a Decision on the signing of the short stay visa waiver agreement.

The agreement provides for visa-free travel for the citizens of the European Union and for the citizens of the Federated States of Micronesia 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.

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### Rapporteur's justification

This agreement on the waiver of short-stay visas simultaneously represents a concrete outcome on the deepening relations between the European Union and the Federated States of Micronesia – which is highly significant politically in the context of the Cotonou Agreement – and is an additional way of stepping up economic and cultural relations and intensifying political dialogues 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. The Federated States of

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<sup>1</sup> Council Regulation (EC) No 539/2001 of 15 March 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 (OJ L 81, 21.3.2001, p. 1).

<sup>2</sup> Regulation (EU) No 509/2014 of the European Parliament and of the Council of 15 May 2014 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 (OJ L 149, 20.5.2014, p. 67).

Micronesia's economy is based primarily on the service sector, which accounts for 74 % of its GDP, with a booming tourism sector. Relations with the European Union have strengthened since 2000, when the Federated States of Micronesia became part of the Cotonou Agreement.

While European Union trade relations with the Federated States of Micronesia are currently very limited, they have potential for development. The European Union is currently negotiating a comprehensive Economic Partnership Agreement with fourteen Pacific countries, including the Federated States of Micronesia. Against this background, the Rapporteur notes that visa liberalisation will simplify travel for businesspeople, facilitate investment and intensify economic links among businesses. This agreement will make it possible to activate tourism and impart fresh impetus for trade.

Politically, the Federated States of Micronesia is a democratic republic completely committed to human rights, which are guaranteed under the Constitution. The European Union's political dialogue with Micronesia focuses on protecting its vulnerable environment, especially in relation to climate change and defending human rights and gender issues. In this context, the visa waiver agreement represents a significant step towards more regular and enhanced political dialogues.

As regards mobility, the information available indicates that confidence in visa applicants is high and the rate of refusal of visas is low. In 2014 and 2015, no nationals of the Federated States of Micronesia were arrested for being illegally present in the European Union and no refusal of entry at the European Union external border or return decision were taken concerning Micronesian nationals. Furthermore, no asylum applications have been submitted by nationals of the Federated States of Micronesia. In this context, the country does not represent any threat in terms of either irregular migration or of security and public order.

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 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 Parliamentary Assembly, 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.

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#### 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 (EU) No 509/2014. These criteria include not only clandestine immigration, public policy and security, but also the European Union's external relations with 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 the Federated States of Micronesia to ensure full reciprocity of the visa waiver, which should permit equal treatment of all citizens, particularly all citizens of the European 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 problematic because Parliament is not informed about them as bilateral negotiations progress.

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### Specific 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 bilateral agreements on the short-stay visa waiver on terms similar to those of this agreement, as quickly as possible, with the Federated States of Micronesia..

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.