



2016/0125(COD)

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DRAFT REPORT

on the proposal for a regulation of the European Parliament and of the Council amending 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 (Ukraine) (COM(2016)0236 – C8-0150/2016) – 2016/0125(COD))

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.)

Amendments to a draft act

Amendments by Parliament set out in two columns

Deletions are indicated in ***bold italics*** in the left-hand column. Replacements are indicated in ***bold italics*** in both columns. New text is indicated in ***bold italics*** in the right-hand column.

The first and second lines of the header of each amendment identify the relevant part of the draft act under consideration. If an amendment pertains to an existing act that the draft act is seeking to amend, the amendment heading includes a third line identifying the existing act and a fourth line identifying the provision in that act that Parliament wishes to amend.

Amendments by Parliament in the form of a consolidated text

New text is highlighted in ***bold italics***. Deletions are indicated using either the ■ symbol or strikeout. Replacements are indicated by highlighting the new text in ***bold italics*** and by deleting or striking out the text that has been replaced.

By way of exception, purely technical changes made by the drafting departments in preparing the final text are not highlighted.

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DRAFT EUROPEAN PARLIAMENT LEGISLATIVE RESOLUTION

**on the proposal for a regulation of the European Parliament and of the Council amending 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 (Ukraine)
(COM(2016)0236 – C8-0150/2016) – 2016/0125(COD))**

(Ordinary legislative procedure: first reading)

The European Parliament,

- having regard to the Commission proposal to Parliament and the Council (COM(2016)0236),
 - having regard to Article 294(2) and Article 77(2)(a) of the Treaty on the Functioning of the European Union, pursuant to which the Commission submitted the proposal to Parliament (C8-0150/0216)),
 - having regard to Article 294(3) of the Treaty on the Functioning of the European Union,
 - having regard to Rule 59 of its Rules of Procedure,
 - having regard to the report of the Committee on Civil Liberties, Justice and Home Affairs and the opinion of the Committee on Foreign Affairs (A8-0000/2016),
1. Adopts its position at first reading, taking over the Commission proposal;
 2. Calls on the Commission to refer the matter to Parliament again if it intends to amend its proposal substantially or replace it with another text;
 3. Instructs its President to forward its position to the Council, the Commission and the national parliaments.

EXPLANATORY STATEMENT

The proposal of the European Commission aims to amend Regulation No 539/2001 and to transfer Ukraine 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. The legal basis for the proposal is point (a) of Article 77(2) of the Treaty on the Functioning of the European Union (TFEU). The implementation of the visa exemption for Ukrainian citizens who hold biometric passports is not subject to the conclusion of a visa waiver agreement with the EU, as Ukraine has already exempted all EU citizens from the visa requirement for stays of up to a year.

Since the launch of the visa liberalisation dialogue between the EU and Ukraine in October 2008, the Commission has issued six progress reports on the implementation of the visa liberalisation action plan that was proposed in November 2010. These reports highlight the significant and rapid progress made since 2014 and the opening of the second phase of the action plan, even in the exceptional context and despite the internal and external challenges facing the country. The last progress report of the Commission, adopted on 18 December 2015, concluded that Ukraine had made the necessary progress and had fulfilled all the benchmarks set in the action plan. The rapporteur welcomes the fact that the visa liberalisation dialogue has proved to be an effective tool with which to promote difficult and far-reaching reforms, particularly in the field of justice and internal affairs. The rapporteur also highlights the extremely positive cooperation with the Ukrainian authorities and civil society in the process of drawing up this report.

Visa liberalisation is one aspect of an increasingly close partnership between Ukraine and the European Union. Ukraine is a key partner country for the EU within the European Neighbourhood Policy and the Eastern Partnership. The Association Agreement signed in June 2014 and its simultaneous ratification by the Verkhovna Rada and the European Parliament in September 2015 sent a strong signal and provided clear proof of the EU's and Ukraine's shared aspiration to achieve a substantive rapprochement on the basis of the principles of political association and economic integration. Waiving the visa obligation for Ukrainian citizens who hold biometric passports will represent a concrete achievement stemming from this shared aspiration and from the commitment shown by the Ukrainian people to peace, stability and a European and reformist direction for their country.

Furthermore, visa liberalisation will contribute to the deepening of people-to-people contacts. It will also make it possible to step up economic and cultural relations and intensify political dialogue on various issues, including human rights and fundamental freedoms. The rapporteur would also highlight the principle of reciprocity in visa liberalisation; this reciprocity means that European and Ukrainian citizens both benefit from the visa exemption. The visa exemption for short stays will also help to create new economic opportunities in the context of the provisional entry into force of the deep and comprehensive free-trade area, which is the economic component of the association agreement.

With regard to the political context, Ukraine has embarked on a far-reaching process of political and democratic change since the peaceful demonstrations on Maidan Square in November 2013 and the 2014 presidential and parliamentary elections. Ukraine now has an opportunity to modernise and develop a genuine democracy and guarantee the rule of law.

The European Union stands at Ukraine's side in this process, which requires constant and sustained efforts. The visa liberalisation action plan has made a significant contribution to this process, particularly in the fields of document security (including the issuing of biometric passports in compliance with the highest international standards and going beyond the minimum obligations set out in the action plan, and the launching of the visa information system), border control, the fight against corruption (with the setting-up of four key anti-corruption institutions), and the fight against organised crime and money laundering. In this connection, the rapporteur fully supports the signing of a strategic and operational cooperation agreement between Ukraine and Europol, which should come about very shortly. The rapporteur also stresses that, as in all cases involving transfers to Annex II of the amended regulation, the benchmarks that have been met in the visa liberalisation process must continue to be respected in the future. The progress made in the visa liberalisation dialogue would benefit from close monitoring as part of other dialogues under the association agreement, particularly as regards the fight against corruption, which should continue to be backed by a sufficient budget and firm political commitment.

The rapporteur has also taken account of mobility and the risks in terms of migration and security. She would point out that the current refusal rate for EU visas for Ukrainian citizens is below 2%. Moreover, the EU-Ukraine readmission agreement on the return of irregular migrants, signed in November 2007, is one of the most effective readmission agreements with a return rate of over 80%, demonstrating an excellent degree of cooperation in this area that makes it possible to mitigate migration risks. The rapporteur would encourage Ukraine to continue the process of connecting border points to the Interpol database, issuing biometric passports and carrying out an information campaign on rights and obligations linked to visa-free trips to the EU. The European Union and Ukraine should pay particular attention to human trafficking and possible abuse of the visa exemption scheme by the criminal networks involved.

Finally, the rapporteur believes that, by voting in favour of this Commission proposal, the European Parliament will be confirming the principle whereby every country that meets all the benchmarks can benefit from visa liberalisation, while pointing out that the criteria which led to this liberalisation must continue to be met after the decision has entered into force. The European Union's credibility and reliability as a partner for third countries, and particularly for neighbouring countries that have embarked on a European course, depend on compliance with this method. This method reflects the respect given to the rule of law and the pre-eminence of law and international law as a fundamental principle of the European Union, including in the context of the illegal annexation of the Autonomous Republic of Crimea and the city of Sebastopol by the Russian Federation.

In conclusion, taking into account the consideration of the criteria set out in the visa liberalisation action plan and the significance of visa liberalisation for European and Ukrainian citizens, the rapporteur recommends that the members of the Committee on Civil Liberties, Justice and Home Affairs support this report.