



**COUNCIL OF  
THE EUROPEAN UNION**



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PRESSE 532

## **Council amends EU visa rules**

The Council adopted today without discussion a regulation amending Council Regulation 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 (PE-CONS 65/13).

The amended regulation introduces a new safeguard clause ("suspension mechanism") allowing the temporary reintroduction of the visa requirement -in specific circumstances- for nationals of a third country who can normally travel to the European Union without a visa (countries listed in Annex II of the regulation). The new rules will also strengthen the retaliation mechanism towards a breach of reciprocity by a third country ("reciprocity mechanism"), i.e. how to deal with situations where a country listed in Annex II reintroduces a visa requirement for nationals of a particular or of several member states.

### **The suspension mechanism**

When a member state is confronted, over a six-month period<sup>1</sup>, with one or more well defined circumstances related to nationals of a third country leading to an emergency situation which it is unable to remedy on its own, the member state may request the Commission to suspend for a short period of time the visa waiver for the nationals of that country. The suspension can only be temporarily applied as a last resort.

The specific circumstances consist namely in a substantial and sudden increase in the number of irregular migrants, unfounded asylum requests or rejected readmissions applications.

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<sup>1</sup> In comparison with the same period in the previous year or with the last six months prior to the implementation of the exemption from the visa requirement for nationals of a third country listed in Annex II.

# **P R E S S**

Even if the conditions for triggering the safeguard clause are clearly defined, the Commission shall have to assess the situation and there should be no automatism flowing from the notifications by member states.

If the Commission decides that action is needed on the basis of its examination and taking into account the consequences of a suspension of the exemption from the visa requirement for the external relations of the EU and its member states with the third country concerned, it shall adopt an implementing act (comitology procedure) temporarily suspending the exemption from the visa requirement for the nationals of the third country concerned for a period of six months. The implementing act shall determine the date on which the suspension of the exemption from the visa requirement is to take effect.

### **The reciprocity mechanism**

The amended regulation provides for a revision of the reciprocity mechanism, in order to give the Commission the possibility to efficiently tackle the situations where a third country, in breach of the principle of reciprocity, imposes a visa requirement to the citizens of one or more member states.

The different steps provided for in the application of the mechanism are detailed in Article 1(4) of the amended regulation.

### **Entry into force**

The amended regulation will enter into force on the twentieth day following that of its publication in the Official Journal of the European Union.

The regulation will be binding in its entirety and directly applicable in the member states in accordance with the Treaties. The United Kingdom and Ireland do not take part in its adoption and are not bound by it or subject to its application.

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