



Lack of visa reciprocity with the U.S., Canada and Brunei: European Commissions assesses state of play and discusses next steps

Strasbourg, 12 April 2016

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The European Commission today adopted a political Communication on the state of play and way forward as regards the situation of non-reciprocity with certain third countries in the area of visa policy. While with Japan full reciprocity was achieved in December 2015 and with Australia in June 2015, the U.S., Canada and Brunei continue to apply visa requirements for citizens of some EU Member States, despite their citizens benefiting from an EU-wide visa waiver. Visa waiver reciprocity is a principle of the EU's common visa policy and, under EU rules adopted by the European Parliament and Council in 2001, if, within 24 months, non-reciprocity by third countries is not corrected then this can be cause for suspending the visa waiver for citizens of those third countries. Any such decision must take into account the consequences of the suspension of the visa waiver for the external relations of the EU and its Member States. The Commission has an obligation to react once the 24 month period expires. In the case of the U.S., Canada and Brunei, that deadline, set by the EU legislator, has been reached today, 12 April 2016. This is why the Commission is therefore today inviting the European Parliament and the Council to urgently launch discussions and to take a position on the most appropriate way forward in light of the assessment provided by the Commission and to inform the Commission on their respective positions by 12 July 2016 at the latest.

Home Affairs, Migration and Citizenship Commissioner **Dimitris Avramopoulos** said: "*Visa reciprocity is a fundamental element of the EU's common visa policy. EU citizens rightly expect to travel without a visa to any third country whose citizens can enter the Schengen area visa-free. Today, the Commission has assessed the legal, political and economic consequences of a possible temporary suspension of the visa waiver with the U.S., Canada and Brunei and has asked for positions on the way forward from the European Parliament and the Council. Full visa reciprocity will stay high on the agenda of our bilateral relations with these countries, and we will continue pursuing a balanced and fair outcome.*"

In April 2014, the Commission received notifications regarding non-reciprocity cases relating to non-reciprocity situations with Australia, Brunei, Canada, Japan and the U.S. The notifications were published in the Official Journal of the European Union on 12 April 2014. The non-reciprocity situation with Australia and Japan has since been resolved, meaning both countries now provide visa free travels for all EU nationals. Canada today applies a visa requirement for the citizens of Bulgaria and Romania while the U.S. require visa for the citizens of Bulgaria, Croatia, Cyprus, Poland and Romania. Brunei still applies visa requirements for the citizens of Croatia. According to the visa reciprocity mechanism as laid down by the European Parliament and the Council, if a third country has not lifted the visa requirements within 24 months after a notification of a non-reciprocity situation, the Commission is required to verify the situation and propose a temporary suspension of the visa waiver for the citizens of the third countries concerned for a period of 12 months.

The Regulation requires the Commission to take into account the political, economic and administrative consequences of the suspension of the visa waiver for the external relations of the EU and its Member States. In addition, at the time of the adoption of the revised mechanism, 21 Member States underscored in a statement that "*the relevant Union institutions are obliged, prior to any proposal or decision, to extensively scrutinise and take into account potential adverse political consequences that might arise from such proposals or decisions*".

The United Kingdom and Ireland do not take part in the development of the common visa policy and would not be bound by a visa waiver suspension.

The Communication presented today provides an assessment of the consequences of a possible suspension and the feasibility of its practical implementation. According to the assessment, it is highly unlikely that Member States would be able to process the increased number of visa applications in accordance with the Visa Code within 90 days following the entry into force of such visa requirement decision and moreover such visa requirement could result in a decrease in the number of travellers

from Canada and the U.S. (and also from Brunei). The suspension would also likely entail considerable, economic consequences, notably for the aviation industry, as well as have a substantial impact on the EU's external relations with two strategic partners.

Background

Not all non EU-citizens must have a visa in order to travel to the Schengen area for short stay visits not exceeding 90 days in a 180-day period. The EU has a common list of countries whose citizens must have a visa and of countries whose citizens are exempt from that requirement (see [Council Regulation \(EC\) No 539/2001](#)).

In the spirit of solidarity, the EU also seeks that third countries on the visa free list grant a visa waiver to citizens of all EU Member States. For this reason, a visa reciprocity mechanism has been set up. This mechanism was amended by the European Parliament and the Council in 2013 ([Regulation \(EU\) 1289/2013](#)) with a view to make it more efficient and to ensure more solidarity in the implementation of the common visa policy.

The current mechanism has been in force for two years and the Commission, in close cooperation with the Member States concerned, has been working hard to ensure that EU citizens could travel as freely as possible to third countries.

In the framework of the reciprocity mechanism, the Commission has already adopted three reports assessing the situation: on [10 October 2014](#), on [22 April 2015](#) and on [5 November 2015](#).

For more information

[MEMO – EU visa reciprocity mechanism - Questions and Answers](#)

[Communication - State of play and way forward as regards the situation of non-reciprocity](#)

5 November 2015 – [Report](#) from the Commission assessing the situation of non-reciprocity with certain third countries in the area of visa policy

22 April 2015 - [Report](#) from the Commission assessing the situation of non-reciprocity with certain third countries in the area of visa policy

10 October 2014 - [Report](#) from the Commission assessing the situation of non-reciprocity with certain third countries in the area of visa policy

Council Regulation listing those countries whose nationals must be in possession of visas when crossing the external borders and those whose nationals are exempt from that requirement ([Council Regulation \(EC\) No 539/2001](#))

Council Regulation 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([Regulation \(EU\) 1289/2013](#))

IP/16/1345

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