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In view of the third visa reciprocity report to be presented by the European Commission in September, we would like to draw your attention to several issues related to the visa reciprocity situation between the European Union and the United States of America.

First of all we would like to recall that the issue of visa reciprocity is a matter of European Union competence, as it is at the heart of our common visa policy in which solidarity prevails.

Regarding the US it is our firm aim to have all EU Member States participating in the US Visa Waiver Program in order to ensure full reciprocal visa-free travel for respective citizens. In this respect we very much appreciate the encouraging statement by President Bush last November and the support he expressed during his meeting with President Barroso in January and more recently at the EU-US Summit on 30 April in view of achieving this goal.

We take note of the envisaged amendments of the US legislation with regard to the Visa Waiver Program. It is important to have established objective and clear criteria which, on the one hand, will give the US sufficient means to protect its national security and to combat illegal immigration and, on the other hand, should enable all EU Member States to join the Visa Waiver Program.

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In light of the above we would like to provide some comments and receive clarification on certain new criteria as being discussed in Congress and that were presented in the DHS package of November 2006.

In particular, we would be interested in being informed and consulted on the planned Electronic Travel Authorization system (ETA) for all travellers coming to the US. The EU may consider the introduction of a similar reciprocal system at the EU level. Close cooperation and consultation with the US on characteristics, compatibilities and other aspects of both systems would therefore be very useful.

In this context, EU citizens already provide information to the US through embarkation cards and API and PNR data. We would be open to further consideration of bilateral arrangements on data exchange at the European level, as suggested by the draft Visa Waiver Programme legislation.

On reporting of lost and stolen passports, EU Member States currently provide this data through Interpol channels. We deem that transmission through Interpol should be sufficient and that no additional agreements are therefore necessary.

We appreciate the introduction of the provisions on non-immigrant visa refusal rate flexibility. However, this flexibility is linked to the introduction of an exit-system. The exit-system would be linked to the coverage of a large percentage of foreign nationals exiting through airports. Taking these considerations into account when do you think this flexibility could be introduced in practice?

Finally, in respect of the repatriation of aliens, we believe that EU Member States' obligations under international law to take back their own nationals are sufficient to fulfil your criteria. If the US is of the opinion that the obligations under international law would not be sufficient, we could consider entering into negotiations on an EU-US readmission agreement while recalling that the issue of readmission is an EU competence.

We hope that our considerations will encourage you to continue work on the amendments to the Visa Waiver Program legislation, including while discussing with Members of Congress, in order to enable all EU Member States' citizens visa-free travel to the US as soon as possible and without introducing additional burdens for the current participants of the Visa-Waiver-Programm



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