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**'I/A' ITEM NOTE**

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From: General Secretariat of the Council  
To: Permanent Representatives Committee/Council

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Subject: Draft Regulation of the European Parliament and of the Council 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 (revision of the suspension mechanism)  
- Adoption of the legislative act (**LA + S**)  
= statements

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**Joint statement by the Commission and the Council**

When adopting the implementing act referred to in point (a) of paragraph 4 of Article 1a, the Commission will ensure, based on its assessment and on the types of travel documents specified by the Member State(s) in its / their notification(s), that the categories covered are sufficiently large in order to efficiently address the circumstances at stake.

Those categories can include, depending on the circumstances, all holders of ordinary, service or diplomatic passports from the third country concerned.

Where strong migratory pressure arises from circumstances as described in points (a), (b) or (c) of paragraph 2 of Article 1a, or a high security risk arises from the circumstances as described in point (d) of paragraph 2 of that Article, the Commission will include holders of ordinary passports issued by the third country concerned.

### Statements by the Commission

1. The Commission will continue to report in accordance with its statement of November 2010 on the establishment of a follow-up mechanism to the visa liberalisation processes for the Western Balkan countries.
  2. The Commission acknowledges that, as stated in recital (4), for the purposes of the suspension mechanism a substantial increase may indicate an increase lower than a threshold of 50 % if applicable in the particular case notified by the Member State concerned.
  3. The Commission acknowledges that, as stated in recital (5), for the purposes of the suspension mechanism a low recognition rate may indicate a recognition rate higher than around 3 or 4 % if applicable in the particular case notified by the Member State concerned.
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