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THE EUROPEAN PARLIAMENT

THE COUNCIL

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject: 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

REGULATION (EU) No.../2014
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of

**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**

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular
Article 77(2)(a) thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure¹,

¹ Position of the European Parliament of 27 February 2014 (not yet published in the Official Journal) and decision of the Council of ...

Whereas:

- (1) The composition of the lists of third countries in Annexes I and II to Council Regulation (EC) No 539/2001¹ should be, and should remain, consistent with the criteria laid down therein. Third countries for which the situation has changed as regards these criteria should be transferred from one Annex to the other.
- (2) In line with the Joint Declaration approved at the Prague Eastern Partnership Summit on 7 May 2009, and the completion by the Republic of Moldova of its Visa Liberalisation Action Plan, the Commission considers that the Republic of Moldova meets all the benchmarks set out in the Visa Liberalisation Action Plan.
- (3) Meeting all the benchmarks, the Republic of Moldova should be transferred to Annex II of Regulation (EC) No 539/2001. This visa waiver should apply to holders of biometric passports issued by the Republic of Moldova in line with standards of the International Civil Aviation Organisation (ICAO).

¹ Council Regulation (EC) No 539/2001 of 15 March 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 (OJ L 81, 21.3.2001, p. 1).

- (4) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latter's association with the implementation, application and development of the Schengen *acquis*¹, which falls within the area referred to in Article 1, point (B), of Council Decision 1999/437/EC².
- (5) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*³, which fall within the area referred to in Article 1, points (B) and (C), of Council Decision 1999/437/EC read in conjunction with Article 3 of Council Decision 2008/146/EC⁴.

¹ OJ L 176, 10.7.1999, p. 36.

² Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L176, 10.7.1999, p. 31).

³ OJ L 53, 27.2.2008, p. 52.

⁴ Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1.)

- (6) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis*, as provided for by the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*¹, which fall within the area referred to in Article 1, point (A) of Council Decision 1999/437/EC of 17 May 1999 read in conjunction with Article 3 of Council Decision 2011/350/EU².
- (7) This Regulation constitutes a development of provisions of the Schengen *acquis* in which the United Kingdom does not take part, in accordance with Council Decision 2000/365/EC³; the United Kingdom is therefore not taking part in its adoption and is not bound by it or subject to its application.

¹ OJ L 160, 18.6.2011, p. 21.

² Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19).

³ OJ L 131, 1.6.2000, p. 43.

- (8) This Regulation constitutes a development of provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC¹; Ireland is therefore not taking part in its adoption and is not bound by it or subject to its application.
- (9) As regards Cyprus, this Regulation constitutes an act building upon, or otherwise related to, the Schengen *acquis*, within the meaning of Article 3(1) of the 2003 Act of Accession.
- (10) As regards Bulgaria and Romania, this Regulation constitutes an act building upon, or otherwise related to, the Schengen *acquis*, within the meaning of Article 4(1) of the 2005 Act of Accession.
- (11) As regards Croatia, this Regulation constitutes an act building upon, or otherwise related to, the Schengen *acquis*, within the meaning of Article 4(1) of the 2011 Act of Accession.
- (12) Regulation (EC) No 539/2001 should therefore be amended accordingly,

HAVE ADOPTED THIS REGULATION:

¹ Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20).

Article 1

Regulation (EC) No 539/2001 is amended as follows:

1. in Annex I, Part 1, the reference to Moldova is deleted.
2. in Annex II, Part 1, the following is inserted:

"Moldova, Republic of*

- * The visa waiver will be limited to the holders of biometric passports issued in line with standards of the International Civil Aviation Organisation (ICAO)."

Article 2

This Regulation shall enter into force on the twentieth day following that of its publication in the *Official Journal of the European Union*.

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at ...,

For the European Parliament
The President

For the Council
The President
