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#### NOTE

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From:	Presidency
To:	Visa Working Party/Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)
Subject:	7th report from the Commission under the visa suspension mechanism – discussion paper

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The Seventh Report under the Visa Suspension Mechanism (16326/24), published on 6 December 2024, follows its predecessors in analyzing the functioning of the visa-free regimes and addressing issues relevant to the EU security. What started as a monitoring tool focused on the immediate neighbourhood, has over the years turned into a comprehensive document, expanding the geographical coverage to include a relevant selection of other visa-free regimes.

The 7th report provides the results of the obligatory full-scale monitoring of visa-free regimes with Georgia and Ukraine, and gives a useful snapshot of the situation of Kosovo. For other neighbourhood countries, transferred to Annex II more than 7 years ago, it follows up on identified specific issues (lack of visa policy alignment, ongoing concerns about migration management and security risks). Outside of the neighbourhood, the spotlight is on investor citizenship (CBI) schemes operated by some states in the Eastern Caribbean region and, for the first time, on unfounded asylum applications linked to visa-free travel from certain Latin American countries. The report concludes that, in most cases, progress has been made. While it acknowledges positive developments, it calls for continuing efforts and identifies areas for enhanced dialogue. However, in the case of Georgia, the Commission signals that the visa suspension mechanism (VSM) could be

triggered as a result of the attack on fundamental values by the authorities and their violent suppression of peaceful protests.

A wealth of data and information on ongoing initiatives makes this a comprehensive overview, with some valuable messages. The report shows a decrease in the volume of asylum applications for most of the neighbourhood countries. Current data for irregular stays might point to an area to discuss with the partners. Some of the developments have already been reported in the 2023 communication, due to a different reporting period for quantitative data and other relevant findings for the ongoing year. However, the process has to be viewed from a more global perspective with focus on trends and tendencies. It has to be noted that for most countries the number of outstanding recommendations has been reduced since the first VSM report in 2017. This success should be credited to increased and targeted engagement of all parties, working in various frameworks, including Action Plans to address migration challenges, enlargement process, as well as pre-accession and bilateral initiatives.

The Commission finds that the Eastern Partnership and Western Balkan partners continue to fulfil the liberalization criteria, while they need to continue to address unfounded asylum application issues and lack of visa policy alignment. As for the latter, Western Balkan countries have pledged to steadily move towards full alignment and in the meantime the Commission expects, as a minimum, gradual steps and increased scrutiny of visa-free third-country travellers. In contrast, the Commission strongly calls on Georgia to take urgent action in order to ensure it still meets visa-free movement criteria and to avoid activating the VSM.

Beyond the neighbourhood, the Commission has committed to further engage with the Caribbean partners in terms of CBI schemes and with the Latin American countries. This should result in a stepped-up outreach and support to the countries in the region to mitigate the security challenges and numbers of unfounded asylum applications in the EU.

Currently, VSM reports particularly concern countries that have been granted visa-free access after successful visa dialogues. Out of all visa-free countries, 9 have successfully concluded visa dialogues, further 25 have negotiated visa waiver agreements with the EU and most of the remaining ones obtained visa exemption following the first harmonisation of EU visa rules in 2001. The VSM, of which the reporting is part, is a tool to be used primarily in emergency situations, to counter negative migratory phenomena with potential impact on internal security. The monitoring within the VSM enables engagement and dialogue, which has proven useful in cooperation with the neighbours sharing the European perspective.

Admittedly, the common visa policy makes for an influential tool, helping to forge bonds with partners which go well beyond the privilege of visa-free movement. It also comes with some challenges, and, as the Commission underscored, visa-free regimes are sustainable as long as they are not abused. This is globally relevant. And while not all abuse will result in emergency situations, such challenges should be regularly scrutinized. Visa-free movement abuse runs counter to the intentions behind lifting the visa obligation and undermine criteria of liberalization. Even in the absence of emergency, abuse may pose risk to the internal security and public order of the Member States and of the EU and should be acted on. The need to counter abuse of visa policy has been a leading topic of discussions in the VWP under several Presidencies and the VSM is just one of the tools to tackle this phenomenon.

To continue the approach agreed by the VWP, allowing for a more in-depth and strategic analysis of the findings in the VSM reports, the Presidency intends to start the exercise by, first, discussing general impressions and identifying issues of particular interest for Member States.

A targeted discussion on the identified relevant challenges will follow. We hope these exchanges will further inform the 2025 report, potentially under the new revised VSM.

For the discussion during the upcoming VWP on 27 January, the delegations are invited to reflect on the following issues:

1. *What is your Member State's assessment of the findings of the 7th VSM report?*
2. *Which general trends or specific issues relative to the liberalization do you identify as having particular importance for your Member State? Are they reflected in the VSM monitoring?*
3. *What is your assessment of the geographic scope of the latest report? What are your suggestions for the scope of the next report?*
4. *If your Member State has been facing challenges resulting from visa-free movement, how have they been addressed with the partners? How have the VSM reports enhanced your Member State's bilateral engagement and results with key partners?*