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**WK 6406/2025 INIT**

**LIMITE**

**VISA  
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COMIX  
CODEC**

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## **MEETING DOCUMENT**

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<b>From:</b>	Presidency
<b>To:</b>	JHA Counsellors (Visa, Frontiers, Schengen)
<b>Subject:</b>	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EU) 2018/1806 as regards the revision of the suspension mechanism - National exemptions from the visa requirement for holders of diplomatic passports, service/official passports or special passports

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As part of the ongoing revision of Regulation (EU) 2018/1806, the European Parliament adopted broader amendments to the visa suspension mechanism, particularly concerning the limitation of Member States' competences under Article 6(1) of the Regulation. The proposed changes regarding visa exemptions for holders of diplomatic, service/official or special passports raised concerns among Member States.

During the technical negotiations, following several explanations by the Presidency on the implications for Member States of the original Parliament amendments, the latter agreed to substantially narrowing down the limitations to Member States' competences on these categories of passports.

The underlying assumption is that the Commission should favour a targeted approach, applying the suspension first and foremost to individuals holding positions of responsibility when triggering the mechanism on the grounds of deterioration of external relations, and that in such cases the Member States should take all necessary steps not to provide for exemptions from the temporary visa obligation for the whole duration of temporary measures. The proposed compromise concerns all the three instances where the EP intended to limit Member States' competences based on Article 6(1)(a).

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**LIMITE**

**EN**

### **1. Limitation during phase 1 (implementing act, line 82a) – scope narrowed down to the ground in Art. 8a(1)(h),**

Where the Commission has adopted an implementing act under Article 8a(1), point (h), temporarily suspending the exemption from the visa requirement for nationals of the third country concerned who hold diplomatic, service/official, or special passports, the compromise text introduces a provision (line 82a) setting out that:

- Member States shall not provide for new exceptions under Article 6(1)(a) for these categories of passports during the period of suspension.
- Member States that have bilateral agreements with the third country concerned shall take the necessary steps to ensure that the exceptions based on Article 6(1)(a) are not applied during the period of suspension.

This approach reflects a logical consequence of a Union-level decision. It ensures coherence and effectiveness of the Union's response and guarantees a harmonised application of the suspension by all Member States. It also upholds the principle of sincere cooperation (Article 4(3) TEU), which implies that if the Union suspends the visa exemption for a specific category of passports, Member States should not undermine this decision by continuing to grant such exemptions through bilateral agreements.

### **2. Limitation during phase 2 (delegated act of a limited personal scope, line 94b) – scope narrowed down to the ground in Art. 8a(1)(h), measures taken by the Member States at phase 1 to continue**

Where the grounds which led to triggering the mechanism in the above manner persist, the Commission shall adopt a delegated act under Article 8e(3), before the expiry of an implementing act under Article 8e(1) or (2). Where the implementing act was adopted on the grounds of deterioration of external relations, the personal scope of this act may be limited to certain categories. In such cases, a footnote next to the name of the third country concerned will specify the designated categories of nationals of that third country. Member States will continue not to provide exceptions to these categories.

This provision ensures coherence with the first phase of the mechanism and clarity regarding the derogations where visa exemption is suspended for holders of diplomatic and service passports, such as in the case of Georgia. It aligns the Member States practice with Union-level decisions in line with the principle of sincere cooperation.

### **3. Limitation of national exemptions regarding I countries (line 105 a) – tentative agreement to withdraw this amendment**

During the technical meetings, the Presidency called on the European Parliament to drop this far-reaching amendment, which would see the Commission empowered to adopt implementing acts suspending any visa exemptions granted by Member States under Article 6(1) in the event of a significant and abrupt deterioration in the Union's external relations with a third country or following the adoption of measures under Article 25a(5) of Visa Code.

As pointed out by the Presidency in the technical discussions, this amendment, not unlike the amendment on Article 7 of the Regulation, beyond being disproportionate, is completely out of the scope of the current reform of the suspension mechanism, as it concerns visa-required countries. The Parliament signalled its openness to withdraw it – which is a condition for the Council to accept the abovementioned compromise.

\* \* \*

The Presidency considers that the compromise ensures more coherent and harmonised implementation of the suspension measures, while safeguarding Member States' overall prerogatives under Article 6(1) (a). It represents a balanced outcome that reflects a constructive technical-level understanding between the Council and the European Parliament, and it strengthens the integrity and operational coherence of the Union's common visa policy.

**The Presidency counts on the support of delegations for the proposed compromise and the accompanying legal drafting, which is the result of complex yet constructive technical discussions.**

**82a**

Where the Commission has adopted an implementing act under this paragraph on the grounds referred to in Article 8a(1)(h) which temporarily suspends the exemption from the visa requirement for nationals of the third country concerned who hold diplomatic passports, service/official passports or special passports, the Member States shall not provide for new exceptions under Article 6(1)(a). Member States that have bilateral agreements with the third country concerned, shall take the necessary steps not to apply the exceptions based on Article 6(1)(a).

**94b**

The amendment **referred to in the first subparagraph** shall be made by inserting a footnote next to the name of the third country in question, indicating that the exemption from the visa requirement is suspended with regard to that third country and specifying the period of that suspension and, where ~~necessary~~ **applicable**, the designated categories of nationals of that third country. The delegated act shall take effect from the date of expiry of the relevant implementing act referred to in Article 8e(1) and (2).

**94c**

*If the EP amd in **line 94c** is redrafted by COM as a recital, new line 94c could read:*

**Article 8e(1) subparagraph 3 shall apply accordingly.**

**94d**

*This line is to be deleted – the MS should have taken the steps already. The delegated act is prolonging the temporary suspension and MSs, so obliging the MSs again to take steps would mean that we assume they haven't done what was expected of them. Instead, it can be stipulated that the MSs should continue to refrain from exemptions for the duration of the delegated act (line 94c).*

**96**

**Without prejudice to Article 8e(1) subparagraph 3, A** Member State which, in accordance with **Article 6(1), points (b) to (f), Article 6(2) or Article 6(3)**, provides for new exemptions from the visa requirement for a category of nationals of the third country covered by the act suspending the exemption from the visa requirement shall communicate those measures in accordance with Article 12.

*(COM to send drafting regarding relevant provision for the first phase of the mechanism)*

## *Recitals*

### 20a

(10a) Where the mechanism is triggered on the basis of significant and abrupt deterioration of external relations of the Union with a third country, the Commission should favour a targeted approach, applying the suspension first and foremost to individuals holding positions of responsibility, such as members of that third country's official delegations, members of local, regional and national governments, members of parliaments or high-ranking public or military officials, minimising adverse consequences to the general population of that third country. The Commission should continuously monitor whether the triggering of the suspension mechanism has achieved the intended result and regularly report thereon to the European Parliament and to the Council.

### 20b - *New recital*

(10b) Where a decision to temporarily suspend the visa exemption has been taken on the basis of abrupt and significant deterioration in the Union external relations, and targeted categories of nationals of that third country in the positions of responsibility, the Member States should take all necessary steps not to provide for exemptions from the temporary visa obligation for the whole duration of temporary measures.