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RESOLUTION OF THE FIRST STANDING COMMITTEE

(Constitutional affairs, affairs of the Prime Minister's Office and home affairs, general legal system of the State and the civil service)

(Rapporteur MANCUSO)

approved at the session of 9 June 2016

ON THE

PROPOSAL FOR A REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL AMENDING 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)

(COM (2016) 290 final)

within the meaning of Article 144(1) and (6) of the Rules of Procedure

Sent to the President's Office on 14 June 2016

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The Committee,

having examined the proposal for a Regulation.

whereas:

the draft regulation provides for an amendment to Council Regulation (EC) No 539/2001 of 15 March 2001 which lists the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States and third countries whose nationals are exempt from that requirement;

in 2013, this regulation was amended by introducing a mechanism for the temporary suspension of the exemption from the visa requirement for nationals of a third country in certain emergency situations, such as those resulting from a sudden and substantial increase of irregular migration;

noting, in particular, that:

the proposal is aimed at strengthening the suspension mechanism by making it easier for Member States to notify circumstances leading to a possible suspension and by enabling the Commission to trigger the mechanism on its own initiative. Therefore, shorter periods for implementing the procedure and an extension to the possible grounds for suspension are provided for;

the reasons for triggering the mechanism include an increase in the number of rejected readmission applications for third-country nationals having transited through that third country, where a readmission agreement concluded between the Union or a Member State and such a third country provides for such an obligation;

whereas, moreover:

the Commission should be able to trigger the mechanism in case the third country fails to cooperate on readmission,

whereas:

the legal basis for the proposal is Article 77(2)(a) of the Treaty on the Functioning of the European Union concerning the common policy on visas and other short-stay residence permits;

the proposal for a regulation complies with the principles of subsidiarity and proportionality given that the suspension mechanism under Regulation (EC) No 539/2001, which is an integral part of the common policy on visas, can only be strengthened by action at EU level through an amendment to the regulation and the Member States cannot act individually to achieve this objective,

issues a favourable opinion, with the following remark:

it should be specified that in the event that the Commission triggers the suspension mechanism on its own initiative, the relevant procedure will apply to all EU external borders.

OPINION OF THE 14TH SELECT COMMITTEE

(EUROPEAN UNION POLICIES)

(Rapporteur: COCIANCICH)

25 May 2016

The Committee, having examined the proposal,

whereas:

Council Regulation (EC) No 539/2001 lists the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States and third countries whose nationals are exempt from that requirement;

Regulation (EU) No 1289/2013 of the European Parliament and of the Council of 11 December 2013 introduced a new Article 1(a) to the above-mentioned Regulation No 539/2001 which enables, by means of notification to the European Commission, the temporary suspension of the exemption from visa requirements for third country nationals for a short period of time, as a matter of urgency and on the basis of well-defined criteria to solve possible difficulties faced by one or more Member States in the event of a sudden and substantial increase in irregular migration, unfounded asylum applications or rejected readmission applications submitted by a Member State to the third country concerned.

considering that:

in the context of the current migratory situation in the European Union and several visa liberalisation dialogues with neighbouring countries (Georgia, Ukraine, Kosovo and Turkey) in 2016, several Member States have questioned whether the existing visa suspension mechanism provides for the necessary flexibility to act in certain situations of urgency;

the Commission has therefore decided to present a proposal to amend Regulation (EC) No 539/2001 to revise the current suspension mechanism;

noting that:

this proposal strengthens the mechanism for the temporary suspension of the exemption from the visa requirement ('suspension mechanism') for nationals of a third country listed in Annex II to Regulation (EC) No 539/2001 making it easier for Member States to notify circumstances leading to a possible suspension and by enabling the Commission to trigger the mechanism on its own initiative;

the use of the mechanism should be facilitated by shortening reference periods and deadlines allowing for a faster procedure and by extending the

possible grounds of suspension, which should include failure to cooperate on readmission, in particular a substantial increase in the number of rejected readmission applications for third-country nationals having transited through that third country, where a readmission agreement concluded between the Union or a Member State and the third country concerned provides for such a readmission obligation, and a substantial increase of risks to the public policy or internal security of Member States.

the legal basis for the proposal is Article 77(2)(a) of the Treaty on the Functioning of the European Union concerning the common policy on visas and other short-stay residence permits;

increasing the effectiveness of Regulation (EC) No 539/2001 through an express amendment, complies with the principles of subsidiarity and proportionality;

whereas the Justice and Home Affairs Council adopted, in the meeting of 20 May 2016, its negotiating position (doc. 9117/16) with a view to further interaction with the European Parliament,

states, for matters within its remit, that it does not object to the proposals.

