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"I/A" ITEM NOTE

From:	General Secretariat of the Council
To:	Permanent Representatives Committee/Council
Subject:	Proposal for a Regulation of the European Parliament and of the Council amending Regulation (EC) No 539/2001 listing third countries whose nationals must be in possession of visas when crossing the external borders of Member States and those whose nationals are exempt from that requirement (first reading) - Adoption de l'acte législatif (AL + D) = Statements

Statement by the Council

The Council underlines the importance of observing the criteria set out in Article X as introduced by Article 1 of the draft Regulation amending Regulation 539/2001, before the Commission makes a proposal for amending the lists in Annexes I and II to that Regulation.

In the particular case of Colombia and Peru, further assessment of such criteria should be done through a, or, if need be, several Commission risk analysis report(s) on the implications of visa exemption for these two countries, notably with regard to risks of illegal immigration or threat to public policy for the Union.

The Council takes note of the intention of the Commission to present it with such a or, if need be, several report(s) before submitting to it, in accordance with Article 218(3) TFEU, recommendations for decisions authorising the opening of negotiations on bilateral agreements on visa waiver between the Union and those two countries, as referred to in the footnote relating to these countries in Annex II to Regulation (EC) N° 539/2001. Such report(s) will also be presented at the Mixed Committee.

The Council takes note that recital 7 in the amending Regulation does not prejudice the outcome of the envisaged assessment by the Commission of the situation in Colombia and Peru nor any recommendation the Commission may subsequently make.

To ensure that this does not constitute a precedent for any future steps, the Council confirms that it and the Member States will eventually, if and when the Commission puts forward a recommendation in the context of the recital, determine their position freely and without any limitation stemming from the procedure followed in this matter.

**Statement by the European Parliament, the Council and the Commission on the further
assessment of Colombia and Peru**

The European Parliament and the Council recognise the need for a further assessment of the fulfilment by Colombia and Peru of the relevant criteria before the Commission presents recommendations to the Council for decisions authorising the opening of negotiations on visa waiver agreements with those countries.

The Commission commits to proceed with those assessments without delay and to transmit them to the European Parliament and to the Council as soon as possible after the entry into force of this Regulation.

The European Parliament and the Council take note of that commitment by the Commission.

Statement by the Commission on informing the European Parliament

The Commission welcomes the adoption by the European Parliament and the Council of its proposal amending Regulation (EC) No 539/2001 aimed at updating the Annexes containing the lists of third countries whose nationals are subject to, or exempt from, the visa requirement.

In accordance with the Framework Agreement of 20 October 2010 on relations between the European Parliament and the European Commission, and in particular point 23 thereof, the Commission reiterates its commitment to inform the European Parliament regularly about the conduct of negotiations on visa waiver agreements arising from the transfer of certain countries to Annex II to Regulation (EC) No 539/2001. The Commission will present updates to the relevant bodies in the European Parliament at least twice a year.
