



**COUNCIL OF
THE EUROPEAN UNION**

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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 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
(first reading)
- Adoption of the legislative act (LA + S)
= Statement

Statement by the Commission

The Commission welcomes the adoption by the European Parliament and the Council of its proposal amending Regulation n° 539/2001 aiming at enhancing the credibility of the common visa policy and ensuring more solidarity amongst Member States. However, the Commission regrets that the powers conferred on the Commission with regard to the revised reciprocity mechanism are, in the opinion of the Commission, not in compliance with Articles 290 and 291 of the TFEU. The Commission therefore reserves the right to make use of the remedies available under the Treaty with a view to having this point clarified by the Court of Justice.