



**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**)
= Statements

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.

Statement by Belgium, Germany, Estonia, Greece, Spain, France, Italy, Cyprus, Latvia, Lithuania, Luxembourg, Hungary, Malta, the Netherlands, Austria, Poland, Portugal, Slovenia, Slovakia, Finland and Sweden regarding paragraphs 1 and 2 of Article 1

The amendment of Regulation 539/2001 especially concerning the reciprocity mechanism (Article 1(1)) and also the suspension clause (Article 1(2)) could have far reaching implications for the external relations of the Union and its Member States.

We therefore underline that according to the relevant provisions, the relevant Union institutions are obliged, prior to any proposal or decision, to extensively scrutinise and take into account potential adverse political consequences that might arise from such proposals or decisions for the external relations, both of the Union and its Member States. This applies in particular to external relations with strategic partners. In our view, the Council should ensure that, for its part, these obligations are carried out in full.
