



**COUNCIL OF  
THE EUROPEAN UNION**

**Brussels, 9 February 2006**

**6137/06**

**VISA        40  
COMIX     128**

**NOTE**

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from :            Permanent Representatives' Committee/Mixed Committee at Senior officials level  
to :                Council

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Subject :         Draft Council Conclusions on visa waiver reciprocity mechanism

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Council Regulation (EC) No 851/2005 of 2 June 2005 amending Regulation (EC) No 539/2001 includes a new reciprocity mechanism aiming at establishing reciprocity through appropriate measures towards third countries still requiring a visa from Member States citizens.

In conformity with this Regulation, the Commission, following notifications made by Member States, submitted a report on visa waiver reciprocity with certain third countries to the Council on 11 January 2006.<sup>1</sup>

The Commission presented this report to the Visa Working Party on 17-18 January and to SCIFA on 27 January 2006.

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<sup>1</sup> doc. 5370/06 VISA 14 AUS 2 AMLAT 5 ASIE 1 CDN 1 USA 4 COMIX 53

Draft Council Conclusions on visa waiver reciprocity mechanism prepared by the Presidency was examined by the JHA Counsellors and the Permanent Representatives' Committee/Mixed Committee at Senior officials level, which agreed on the text as it stands in Annex to this present note.

Taking account of the above, the Council is invited to adopt the attached Conclusions.

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**Draft Council Conclusions  
on visa waiver reciprocity mechanism**

THE COUNCIL

- recalls that the Hague Programme, adopted on 4 and 5 November 2004 by the European Council, has recognised full visa waiver reciprocity as an essential element of the EU common visa policy for facilitating legitimate travel and called on the Commission to continue its efforts to ensure that the citizens of all Member States can travel without a short-stay visa to all third countries whose nationals can travel to the EU without a visa as soon as possible;
- recalls that it adopted Council Regulation (EC) No 851/2005 amending Council Regulation (EC) No 539/2001 as regards the visa reciprocity mechanism which entered into force on 24 June 2005;<sup>1</sup>
- recalls that, in accordance with Article 2 of Council Regulation (EC) No 851/2005, Member States were required to notify the Council and the Commission in writing of all cases of non-conformity with the principle of reciprocity by third countries listed in Annex II to Council Regulation (EC) No 539/2001;<sup>2</sup>
- recalls that Council Regulation (EC) No 851/2005 mandated the Commission to prepare a report in consultation with the Member States concerned on visa waiver reciprocity with relevant third countries;
- recalls that the Commission submitted this report to the Council on 11 January 2006.<sup>3</sup>

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<sup>1</sup> OJ L 141, 4.6.2005, p.3

<sup>2</sup> OJ C 163, 05.07.2005, p. 1-3  
OJ C 251, 11.10.2005, p. 1-15  
OJ C 277, 10.11.2005, p. 1-2  
OJ C 310, 08.12.2005, p. 1-2

<sup>3</sup> doc. 5370/06 VISA 14 AUS 2 AMLAT 5 ASIE 1 CDN 1 USA 4 COMIX 53

AND ADOPTS THE FOLLOWING CONCLUSIONS:

- (1) the Council welcomes the report which the Commission prepared in accordance with Article 2 of Council Regulation (EC) No 851/2005 of 2 June 2005 amending Council Regulation (EC) No 539/2001 on the current situation of visa waiver reciprocity with certain third countries;
- (2) the Council welcomes the progress made and, in particular, the fact that Costa Rica, Nicaragua, Panama, Venezuela and Uruguay have now created all the conditions necessary for full visa waiver reciprocity;
- (3) the Council further welcomes Brazil's political commitment to exempt from the visa requirement the citizens of those Member States which are still under such an obligation and invites the Commission to submit as soon as possible a recommendation to the Council to open negotiations with Brazil on a visa waiver agreement between the European Community and Brazil;
- (4) the Council further welcomes the Commission's positive assessment in its report about Brunei Darussalam, Malaysia and Singapore subject to implementation and verification of necessary measures;
- (5) the Council notes that while some progress has been made on issues of transparency, there has been no movement yet in terms of extending visa waiver to cover the citizens of all EU Member States by the United States of America, Canada and Australia, while welcoming the steps taken by Australia to facilitate the issuing of visas to the citizens of EU Member States as an interim measure towards visa waiver reciprocity;

- (6) the Council invites the Commission to monitor the developments necessary to ensure that full visa waiver reciprocity is achieved with regard to the countries mentioned in paragraphs 3 and 4 and, for the same purpose, to strengthen its efforts with the countries mentioned in paragraph 5;
- (7) the Council invites the Commission, when submitting its second report due by the end of June 2006, to indicate the progress made together with the further steps and possible measures to be taken in relation to third countries with which full visa reciprocity has not been achieved.
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