



EU visa reciprocity mechanism - Questions and Answers

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What is the visa reciprocity mechanism?

The visa reciprocity mechanism is a legal provision under EU law aiming to achieve visa-free travel for citizens of all Member States (except the UK and Ireland who do not participate in the common visa policy) to every non-EU country whose citizens can travel to the EU/Schengen area without a visa.

The EU has a common list of countries whose citizens must have a visa and of countries whose citizens are exempt from that requirement (see [Council Regulation \(EC\) No 539/2001](#)).

In the spirit of solidarity, the EU seeks that third countries on the visa free list grant a visa waiver to citizens of all EU Member States. For this reason, a visa reciprocity mechanism has been set up.

The current mechanism was introduced by [Regulation \(EU\) 1289/2013](#) and entered into force in January 2014,

Which countries continue to require visas from EU citizens despite the fact that their nationals can travel to the EU/Schengen area without a visa?

- The **U.S.** requires visas for the citizens of Bulgaria, Croatia, Cyprus, Poland and Romania. In addition, the U.S. Congress adopted new travel restrictions in December 2015 that potentially concern all Member States admitted to the U.S. Visa Waiver Program (e.g. a French-Iranian dual national now needs a visa to the U.S.). The visa refusal statistics for 2015 are, for Bulgaria: 17.26%; Croatia 5.29%; Cyprus: 3.53%; Poland: 6.37%; Romania: 11.16%.
- **Canada** continues to apply a visa requirement for the citizens of Bulgaria and Romania. The visa refusal rate for these two countries remains well above the required 4% threshold over the last 3 years (the 2013-2015 average is around 16% for both countries).
- While **Brunei** already decided in 2015 to lift the visa requirement for Croatian nationals, they were not able to put this in practice by today. However, the Commission expects that this will happen in the weeks to come.

Why did the College discuss the visa reciprocity today?

According to the Regulation, the Commission is obliged to assess the situation regarding cases of non-reciprocity by 12 April 2016.

Is the Commission proposing the reintroduction of visas for citizens from the U.S., Canada and Brunei today?

No. The present Communication does not propose to reintroduce visa requirements for citizens from the U.S, Canada or Brunei. It describes the situation of non-reciprocity cases that still exist on 12 April 2016 and assesses the consequences and impacts of a suspension of the visa waiver for nationals of these countries as well as the practical feasibility of its implementation. According to EU law, the ultimate decision whether to suspend the visa waiver or not is in the hands of the European Parliament and the Council, with 12 July 2016 now set as a deadline to decide.

What are the next steps?

Based on the feasibility assessment and the various negative impacts reported in today's Communication, the Commission asks the co-legislators to take a position on the way forward by 12 July 2016.

When will the Commission adopt the concrete measure/delegated act(s) regarding the suspension?

The Commission will first allow the European Parliament and the Council to urgently launch discussions and to take a position on the most appropriate way forward in the light of the assessment provided by the Commission in today's Communication and to inform the Commission of their respective positions. The Commission will then decide on the next steps.

What is the Commission's opinion regarding the possible suspension of the visa waiver for citizens from the U.S., Canada and Brunei?

Today's Communication provides an assessment regarding the state of play, the likely impacts of a suspension and the practical feasibility of its implementation. It also underlines the possible adverse consequence for EU citizens (i.e. the suspension of the visa waiver from the EU side could lead to imposing a visa requirements for the nationals of *all* Member States by e.g. the United States). The Commission today presents the necessary elements for the co-legislators to a position on the way forward.

The Commission is aware of the economic costs and inconvenience to citizens who are still required to have visas to travel to the third countries in question. Therefore, the Commission has presented its assessment of the situation in order to move forward, and will continue discussing them with the Canadian and U.S. authorities at all appropriate levels.

The Commission expects that the non-reciprocity situation will be solved in Brunei in the weeks to come.

What has the Commission done to achieve full visa reciprocity?

While the current mechanism only dates back two years, in the past 10 years, the Commission has been working continuously together with Member States to ensure that EU citizens could travel as freely as possible across the globe.

The EU enlargement of 2004 brought up many new challenges. In 2005, under the then existing reciprocity mechanism, 18 Member States/Schengen associated countries notified non-visa reciprocity situations with 8 third countries. Today, we have 5 Member States having notified non-reciprocity situations with only three third countries – the U.S., Canada and Brunei, which still impose visa requirements for nationals of some EU Member States.

Visa reciprocity has always been high on the political agenda: it is a point discussed in summits, ministerial meetings, senior officials' meetings and expert meetings. These contacts will continue in order to identify how the five Member States can best fulfil the Canadian and U.S. visa waiver requirements. The Commission will also raise the ideas put forward in the Communication, e.g. visa waiver for certain categories of "reliable" travellers who have lawfully used U.S. visas in the past.

To whom would a visa requirement apply and for how long?

The visa requirement which could be introduced as a result of the temporary suspension of the visa waiver would concern travel for short stays to the 26 European countries of the Schengen area and Bulgaria, Croatia, Cyprus and Romania for a maximum period of 90 days in any 180-day period, irrespective of the purpose of the visit (tourism, business, visiting family members, etc.).

Any suspension of the visa waiver – once it enters into force – should be implemented by the EU Member States and Schengen associated countries that issue short-stay Schengen visas as well as Bulgaria, Croatia, Cyprus and Romania who do not issue Schengen visas yet, but apply the Regulation (all EU Member States, except for Ireland and the UK, as well as the four Schengen associated countries Iceland, Liechtenstein, Norway and Switzerland).

Would UK and Ireland be affected by this in any way?

No, the United Kingdom and Ireland do not take part in the development of the EU's common visa policy, as they have an opt-out under the Treaties (Protocol 21 to the EU Treaties). In other words, the UK and Ireland would not be bound by any suspension measure or decision taken on this matter.

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