



Revision of the Visa Suspension Mechanism - Frequently Asked Questions

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Why did the Commission decide to revise the visa suspension mechanism?

The visa suspension mechanism was first introduced as part of the EU visa policy in 2013 in order to provide for the possibility to temporarily suspend the visa exemption for the nationals of a third country for a short period of time in case of a substantial increase in irregular migration. In May 2016, the Commission proposed to revise the existing rules in order to further strengthen this mechanism. The new measures will allow the European Union to react much more quickly and in a more flexible manner if faced by strong migratory pressure or an increase in risk to the internal security of Member States that may arise from visa-free travel.

What changes are being introduced with the new mechanism?

The new mechanism essentially introduces three main changes:

- New **grounds for suspension** have been introduced and others have been extended, notably a decrease in cooperation on readmission, including for third-country nationals having transited through the third country concerned, as well as a substantial increase in risks to the public policy or internal security of Member States.
- The initiative to **trigger the mechanism has now also been given to the Commission** (previously only Member States could trigger the mechanism).
- The reference periods and **deadlines have been shortened** to allow for a faster reaction to new circumstances.

In addition, the new mechanism will allow for a stronger dialogue with the third country concerned to remedy the situation that led to the suspension.

On what grounds can the new mechanism be triggered?

Member States can trigger the mechanism by sending a notification to the Commission in case they are confronted, for a period of two months (in comparison with the same period in the previous year or with the last two months prior to the implementation of the visa exemption), with one or more of the following circumstances:

- a substantial increase (more than 50%) in irregular migration, over-stayers and persons refused entry;
- a substantial increase (more than 50%) in asylum applications with low recognition rate (around 3-4%);
- a decrease in cooperation on readmission;
- increased risks to the security of Member States, in particular serious criminal offences.

The Commission can also trigger the mechanism in case of regression as regards the fulfilment of the visa liberalisation benchmarks by third countries that have gone through a visa liberalisation dialogue.

How is the mechanism triggered?

To request the mechanism be triggered, a notification must be sent clearly stating the reasons, including all the relevant data and statistics, as well as providing a detailed explanation of preliminary measures that have been taken by the Member State with a view to remedying the situation.

Under the revised rules, the Commission can also trigger the mechanism by informing the European Parliament and the Council of any of those circumstances of which it has concrete and reliable information or through a report on the regression on the fulfilment of the visa liberalisation benchmarks.

Decisions to suspend visa-free travel will certainly not be taken lightly and any steps leading towards the triggering of the suspension mechanism would be subject to careful assessment and analysis. The aim of the revised suspension mechanism is to make it more effective in responding to any possible migratory and security risks that may arise from visa-free travel, while safeguarding the overall

objective of visa-liberalisation. This means that third countries will also have to closely monitor their respective domestic situations and take appropriate measures where needed in order to prevent such a situation from arising.

What are the steps for triggering the suspension mechanism?

Once the Commission has been notified by one or several Member States of any of the circumstances referred to above, it will carefully assess whether action is needed, based on relevant data and available information regarding the specific circumstances.

Firstly, the Commission will determine the overall impact on the migratory situation of the EU. After presenting the results of its examination to the Parliament and the Council the Commission may decide that specific actions are indeed required.

As a next step, if specific actions are required following the Commission's assessment or where a simple majority of Member States have notified the Commission of any of the circumstances for which the mechanism can be triggered, the Commission shall adopt an implementing act within one month of receiving such notification. The act, to be adopted by a qualified majority in the Council, will temporarily suspend the visa exemption for certain categories of nationals of the third country concerned (for instance, defined by the type of travel document) for a period of 9 months.

During the period of such suspension, the Commission will work closely with the third country concerned with a view to remedying the circumstances at stake.

In a case where the circumstances persist beyond the initial 9-month period, the Commission shall further adopt a delegated act, which would suspend the visa exemption for all nationals for an additional 18 months.

As a last resort, if the circumstances that triggered the mechanism remain despite an enhanced dialogue with the third country and efforts to remedy the situation, the Commission can propose a legislation to permanently transfer that country to the visa-required list. This legislative proposal would have to be submitted by the Commission to the European Parliament and the Council, where it would follow an ordinary legislative procedure.

How will the revised suspension mechanism impact on countries that are currently negotiating visa liberalisation with the EU?

The suspension mechanism is not targeted at any country in particular. It applies horizontally to all visa-free third countries, in other words, more than 60 countries in the world whose citizens can currently travel visa-free to the Schengen area, independently of the process through which such visa free travel was granted.

Third countries with which the EU has conducted a visa liberalisation process, once visa-free travel has been reached, have to ensure that the progress made during such process is sustained and that there is no backsliding on the benchmarks.

Furthermore, all visa free third countries have to control irregular migration to the EU and ensure that visa-free travel is not abused by their citizens and must cooperate with the Member States on readmission of irregular migrants.

What are the benefits for the third countries which have gone through a visa liberalisation dialogue with the EU?

It means that the positive reforms that were implemented during the visa liberalisation dialogue will need to be sustained. It aims to fight abuses and improve security in order to protect, defend and safeguard the granting of visa liberalisation to third countries.

By adopting this strengthened suspension mechanism the EU will be able to pursue its visa policy based on stronger safeguards.

Is there a link between the revised suspension mechanism and the European Travel Information and Authorisation System (ETIAS)?

No, there is no link. However, both instruments complement each other and are intended to ensure that visa liberalisation does not lead to increased irregular migration and higher security risks for the EU Member States.

ETIAS will strengthen the EU's capacity to assess and manage the potential migration and security risks represented by individual visa-free travellers who may pose those risks whilst at the same time facilitating the crossing of the Schengen external borders for more than 95% visa-free third country nationals.

What are the next steps?

The legislative proposal will enter into force 20 days after the publication in the Official Journal.

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