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NOTE

From:	Presidency
To:	Visa Working Party/Mixed Committee (EU-Iceland/Norway and Switzerland/Liechtenstein)
Subject:	Revision of the visa suspension mechanism – Urgency procedures – diagram

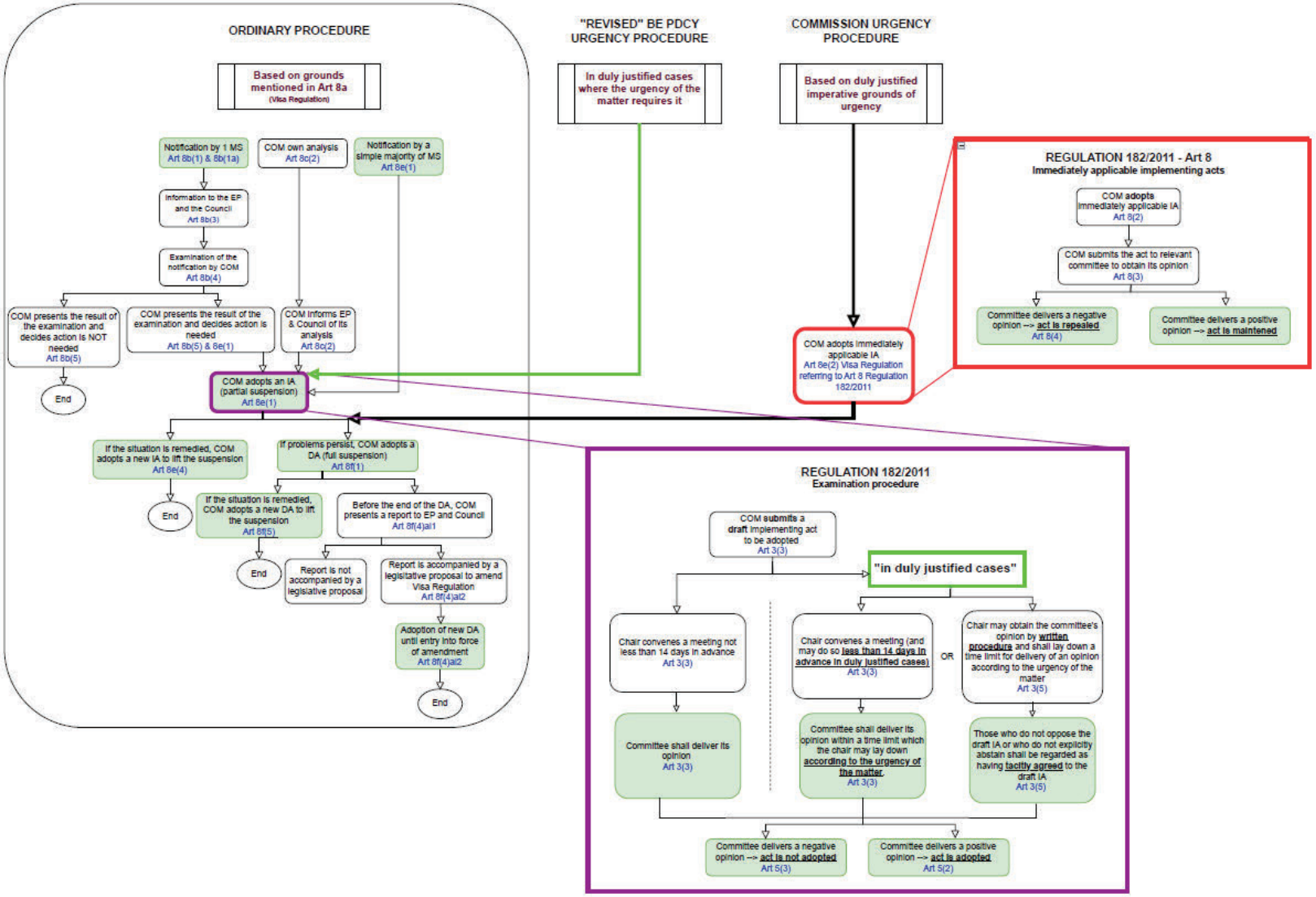
During the last Visa Working Party, the Member States stressed that the introduction of an urgency procedure would be useful and would present actual added value to the revision of the suspension mechanism. The Member States mainly expressed their preference for the original urgency procedure proposed by the Commission, as well as for the alternative proposal from the Belgian Presidency. While the urgency procedure proposed by the Spanish Presidency was certainly rigorous and comprised many positive elements, it did not seem to have received much support from the delegations.

Although we believe the discussion was helpful, some doubts and questions remain and it is quite clear that, for some Member States at least, more information is needed in order to choose which of the proposed options would be the most appropriate. In particular, Member States noted that, while the Belgian Presidency proposal was interesting, it might take some time to secure a majority of Member States in order to trigger it.

In view of those concerns, we looked further into this issue and managed to find an alternative solution. The "revised" Belgian Presidency urgency procedure would (simply) consist of taking advantage of the already existing provisions of Regulation (EU) 182/2011 applicable "in duly justified cases" to shorten the deadlines for the adoption of a **regular** implementing act. We believe this procedure will therefore allow the Council to act swiftly – as **no more preliminary steps would be required** – while retaining control over the adoption of the implementing act.

To bring further clarity to this issue, the Presidency has drawn up the enclosed diagram, which provides for a concrete and detailed overview of the differences and implications of the two urgency procedures on the table. It should be noted that the boxes in green represent the stages of the procedure where the **Member States are involved.**

During the next Visa Working Party, the delegations will be invited to express their views on the proposed options. We hope the delegations will come to an agreement on this topic during the meeting.


ORDINARY PROCEDURE
Based on grounds mentioned in Art 8a (Visa Regulation)
Notification by 1 MS Art 8b(1) & 8b(1a)
COM own analysis Art 8c(2)
Notification by a simple majority of MS Art 8e(1)
Information to the EP and the Council Art 8b(3)
Examination of the notification by COM Art 8b(4)
COM presents the result of the examination and decides action is NOT needed Art 8b(5)
COM presents the result of the examination and decides action is needed Art 8b(5) & 8e(1)
COM informs EP & Council of its analysis Art 8c(2)
End
COM adopts an IA (partial suspension) Art 8e(1)
If the situation is remedied, COM adopts a new IA to lift the suspension Art 8e(4)
If problems persist, COM adopts a DA (full suspension) Art 8f(1)
End
If the situation is remedied, COM adopts a new DA to lift the suspension Art 8f(5)
Before the end of the DA, COM presents a report to EP and Council Art 8f(4)al1
End
Report is not accompanied by a legislative proposal
Report is accompanied by a legislative proposal to amend Visa Regulation Art 8f(4)al2
Adoption of new DA until entry into force of amendment Art 8f(4)al2
End
"REVISED" BE PDCY URGENCY PROCEDURE
In duly justified cases where the urgency of the matter requires it
COMMISSION URGENCY PROCEDURE
Based on duly justified imperative grounds of urgency
COM adopts immediately applicable IA Art 8e(2) Visa Regulation referring to Art 8 Regulation 182/2011
REGULATION 182/2011 - Art 8
Immediately applicable implementing acts
COM adopts immediately applicable IA Art 8(2)
COM submits the act to relevant committee to obtain its opinion Art 8(3)
Committee delivers a negative opinion --> act is repealed Art 8(4)
Committee delivers a positive opinion --> act is maintened
REGULATION 182/2011
Examination procedure
COM submits a draft implementing act to be adopted Art 3(3)
"in duly justified cases"
Chair convenes a meeting not less than 14 days in advance Art 3(3)
Committee shall deliver its opinion Art 3(3)
Chair convenes a meeting (and may do so less than 14 days in advance in duly justified cases) Art 3(3)
Committee shall deliver its opinion within a time limit which the chair may lay down according to the urgency of the matter Art 3(3)
OR
Chair may obtain the committee's opinion by written procedure and shall lay down a time limit for delivery of an opinion according to the urgency of the matter Art 3(5)
Those who do not oppose the draft IA or who do not explicitly abstain shall be regarded as having tacitly agreed to the draft IA Art 3(5)
Committee delivers a negative opinion --> act is not adopted Art 5(3)
Committee delivers a positive opinion --> act is adopted Art 5(2)