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► **B**

**COUNCIL REGULATION (EC) No 539/2001  
of 15 March 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**

(OJ L 81, 21.3.2001, p. 1)

Amended by:

		Official Journal		
		No	page	date
► <b><u>M1</u></b>	Council Regulation (EC) No 2414/2001 of 7 December 2001	L 327	1	12.12.2001
► <b><u>M2</u></b>	Council Regulation (EC) No 453/2003 of 6 March 2003	L 69	10	13.3.2003
► <b><u>M3</u></b>	Council Regulation (EC) No 851/2005 of 2 June 2005	L 141	3	4.6.2005
► <b><u>M4</u></b>	Council Regulation (EC) No 1791/2006 of 20 November 2006	L 363	1	20.12.2006
► <b><u>M5</u></b>	Council Regulation (EC) No 1932/2006 of 21 December 2006	L 405	23	30.12.2006
► <b><u>M6</u></b>	Council Regulation (EC) No 1244/2009 of 30 November 2009	L 336	1	18.12.2009
► <b><u>M7</u></b>	Regulation (EU) No 1091/2010 of the European Parliament and of the Council of 24 November 2010	L 329	1	14.12.2010
► <b><u>M8</u></b>	Regulation (EU) No 1211/2010 of the European Parliament and of the Council of 15 December 2010	L 339	6	22.12.2010
► <b><u>M9</u></b>	Council Regulation (EU) No 517/2013 of 13 May 2013	L 158	1	10.6.2013
► <b><u>M10</u></b>	Regulation (EU) No 610/2013 of the European Parliament and of the Council of 26 June 2013	L 182	1	29.6.2013
► <b><u>M11</u></b>	Regulation (EU) No 1289/2013 of the European Parliament and of the Council of 11 December 2013	L 347	74	20.12.2013
► <b><u>M12</u></b>	Regulation (EU) No 259/2014 of the European Parliament and of the Council of 3 April 2014	L 105	9	8.4.2014
► <b><u>M13</u></b>	Regulation (EU) No 509/2014 of the European Parliament and of the Council of 15 May 2014	L 149	67	20.5.2014
► <b><u>M14</u></b>	Regulation (EU) 2017/371 of the European Parliament and of the Council of 1 March 2017	L 61	1	8.3.2017
► <b><u>M15</u></b>	Regulation (EU) 2017/372 of the European Parliament and of the Council of 1 March 2017	L 61	7	8.3.2017

- **M16** Regulation (EU) 2017/850 of the European Parliament and of the Council of 17 May 2017 L 133 1 22.5.2017

Amended by:

- **A1** Act concerning the conditions of accession of the Czech Republic, the Republic of Estonia, the Republic of Cyprus, the Republic of Latvia, the Republic of Lithuania, the Republic of Hungary, the Republic of Malta, the Republic of Poland, the Republic of Slovenia and the Slovak Republic and the adjustments to the Treaties on which the European Union is founded L 236 33 23.9.2003

Corrected by:

- **C1** Corrigendum, OJ L 29, 3.2.2007, p. 10 (1932/2006)

▼ B

**COUNCIL REGULATION (EC) No 539/2001**  
**of 15 March 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**

▼ M13

*Article -1*

The purpose of this Regulation is to determine the third countries whose nationals are subject to, or exempt from, the visa requirement, on the basis of a case-by-case assessment of a variety of criteria relating, inter alia, to illegal immigration, public policy and security, economic benefit, in particular in terms of tourism and foreign trade, and the Union's external relations with the relevant third countries, including, in particular, considerations of human rights and fundamental freedoms, as well as the implications of regional coherence and reciprocity.

▼ B

*Article 1*

1. Nationals of third countries on the list in Annex I shall be required to be in possession of a visa when crossing the external borders of the Member States.

▼ M5  
▼ C1

Without prejudice to the requirements stemming from the European Agreement on the Abolition of Visas for Refugees signed at Strasbourg on 20 April 1959, recognised refugees and stateless persons shall be required to be in possession of a visa when crossing the external borders of the Member States if the third country in which they are resident and which has issued them with their travel document is a third country listed in Annex I to this Regulation.

▼ B

2. ► M10 Nationals of third countries on the list in Annex II shall be exempt from the requirement set out in paragraph 1 for stays of no more than 90 days in any 180-day period. ◀

▼ M5  
▼ C1

The following shall also be exempt from the visa requirement:

- the nationals of third countries listed in Annex I to this Regulation who are holders of a local border traffic card issued by the Member States pursuant to Regulation (EC) No 1931/2006 of the European Parliament and of the Council of 20 December 2006 laying down rules on local border traffic at the external land borders of the Member States and amending the provisions of the Schengen Convention <sup>(1)</sup> when these holders exercise their right within the context of the Local Border Traffic regime;

<sup>(1)</sup> OJ L 405, 20.12.2006, p. 1.

**▼C1**

- school pupils who are nationals of a third country listed in Annex I and who reside in a Member State applying Council Decision 94/795/JHA of 30 November 1994 on a joint action adopted by the Council on the basis of Article K.3.2.b of the Treaty on European Union concerning travel facilities for school pupils from third countries resident in a Member State <sup>(1)</sup> and are travelling in the context of a school excursion as members of a group of school pupils accompanied by a teacher from the school in question;
- recognised refugees and stateless persons and other persons who do not hold the nationality of any country who reside in a Member State and are holders of a travel document issued by that Member State.

**▼B**

3. Nationals of new third countries formerly part of countries on the lists in Annexes I and II shall be subject respectively to the provisions of paragraphs 1 and 2 unless and until the Council decides otherwise under the procedure laid down in the relevant provision of the Treaty.

**▼M11**

4. Where a third country listed in Annex II applies a visa requirement for nationals of at least one Member State, the following provisions shall apply:

- (a) within 30 days of the implementation by the third country of the visa requirement or, in cases where the visa requirement existing on 9 January 2014 is maintained, within 30 days of that date, the Member State concerned shall notify the European Parliament, the Council and the Commission thereof in writing.

That notification:

- (i) shall specify the date of implementation of the visa requirement and the types of travel documents and visas concerned;
- (ii) shall include a detailed explanation of the preliminary measures that the Member State concerned has taken with a view to ensuring visa-free travel with the third country in question and all relevant information.

Information about that notification shall be published without delay by the Commission in the *Official Journal of the European Union*, including information on the date of implementation of the visa requirement and the types of travel documents and visas concerned.

If the third country decides to lift the visa requirement before the expiry of the deadline referred to in the first subparagraph of this point, the notification shall not be made or shall be withdrawn and the information shall not be published;

- (b) the Commission shall, immediately following the date of the publication referred to in the third subparagraph of point (a) and in consultation with the Member State concerned, take steps with

<sup>(1)</sup> OJ L 327, 19.12.1994, p. 1.

▼ **M11**

the authorities of the third country in question, in particular in the political, economic and commercial fields, in order to restore or introduce visa-free travel and shall inform the European Parliament and the Council of those steps without delay;

- (c) if within 90 days of the date of the publication referred to in the third subparagraph of point (a) and despite all the steps taken in accordance with point (b), the third country has not lifted the visa requirement, the Member State concerned may request the Commission to suspend the exemption from the visa requirement for certain categories of nationals of that third country. Where a Member State makes such a request, it shall inform the European Parliament and the Council thereof;
- (d) the Commission shall, when considering further steps in accordance with point (e), (f) or (h), take into account the outcome of the measures taken by the Member State concerned with a view to ensuring visa-free travel with the third country in question, the steps taken in accordance with point (b), and the consequences of the suspension of the exemption from the visa requirement for the external relations of the Union and its Member States with the third country in question;
- (e) if the third country concerned has not lifted the visa requirement, the Commission shall, at the latest six months of the date of the publication referred to in the third subparagraph of point (a) and subsequently at intervals not exceeding six months within a total period which may not extend beyond the date on which the delegated act referred to in point (f) takes effect or is objected to:
  - (i) adopt, at the request of the Member State concerned or on its own initiative, an implementing act temporarily suspending the exemption from the visa requirement for certain categories of nationals of the third country concerned for a period of up to six months. That implementing act shall determine a date, within 90 days of its entry into force, on which the suspension of the exemption from the visa requirement is to take effect, taking into account the available resources in the consulates of the Member States. When adopting subsequent implementing acts, the Commission may extend the period of that suspension by further periods of up to six months and may modify the categories of nationals of the third country in question for which the exemption from the visa requirement is suspended.

Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 4a(2). Without prejudice to the application of Article 4, during the periods of suspension all the categories of nationals of the third country referred to in the implementing act shall be required to be in possession of a visa when crossing the external borders of the Member States; or

  - (ii) submit to the committee referred to in Article 4a(1) a report assessing the situation and stating the reasons why it decided not to suspend the exemption from the visa requirement and inform the European Parliament and the Council thereof.

▼ **M11**

All relevant factors, such as those referred to in point (d), shall be taken into account in that report. The European Parliament and the Council may have a political discussion on the basis of that report;

- (f) if within 24 months of the date of the publication referred to in the third subparagraph of point (a), the third country concerned has not lifted the visa requirement, the Commission shall adopt a delegated act in accordance with Article 4b temporarily suspending the application of Annex II for a period of 12 months for the nationals of that third country. The delegated act shall determine a date, within 90 days of its entry into force, on which the suspension of the application of Annex II is to take effect, taking into account the available resources in the consulates of the Member States and shall amend Annex II accordingly. That amendment shall be made through inserting next to the name of the third country in question a footnote indicating that the exemption from the visa requirement is suspended with regard to that third country and specifying the period of that suspension.

As of the date when the suspension of the application of Annex II for the nationals of the third country concerned takes effect or when an objection to the delegated act is expressed pursuant to Article 4b(5), any implementing act adopted pursuant to point (e) concerning that third country shall expire.

Where the Commission submits a legislative proposal as referred to in point (h), the period of suspension referred to in the first subparagraph of this point shall be extended by six months. The footnote referred to in that subparagraph shall be amended accordingly.

Without prejudice to the application of Article 4, during the periods of that suspension the nationals of the third country concerned by the delegated act shall be required to be in possession of a visa when crossing the external borders of the Member States;

- (g) any subsequent notification made by another Member State pursuant to point (a) concerning the same third country during the period of application of measures adopted pursuant to point (e) or (f) with regard to that third country shall be merged into the ongoing procedures without the deadlines or periods set out in those points being extended;
- (h) if within six months of the entry into force of the delegated act referred to in point (f) the third country in question has not lifted the visa requirement, the Commission may submit a legislative proposal for amending this Regulation in order to transfer the reference to the third country from Annex II to Annex I;
- (i) the procedures referred to in points (e), (f) and (h) shall not affect the right of the Commission to submit at any time a legislative proposal for amending this Regulation in order to transfer the reference to the third country concerned from Annex II to Annex I;
- (j) where the third country in question lifts the visa requirement, the Member State concerned shall immediately notify the European Parliament, the Council and the Commission thereof. The notification shall be published without delay by the Commission in the *Official Journal of the European Union*.

▼ **M11**

Any implementing or delegated act adopted pursuant to point (e) or (f) concerning the third country in question shall expire seven days after the publication referred to in the first subparagraph of this point. Where the third country in question has introduced a visa requirement for nationals of two or more Member States, the implementing or delegated act concerning that third country shall expire seven days after the publication of the notification concerning the last Member State whose nationals were subject to visa requirement by that third country. The footnote referred to in the first subparagraph of point (f) shall be deleted upon expiry of the delegated act concerned. The information on that expiry shall be published without delay by the Commission in the *Official Journal of the European Union*.

Where the third country in question lifts the visa requirement without the Member State concerned notifying it in accordance with the first subparagraph of this point, the Commission shall on its own initiative proceed without delay with the publication referred to in that subparagraph, and the second subparagraph of this point shall apply.

▼ **M14***Article 1a*

1. By way of derogation from Article 1(2), the exemption from the visa requirement for nationals of a third country listed in Annex II shall be temporarily suspended, based on relevant and objective data, in accordance with this Article.

2. A Member State may notify the Commission if it is confronted, over a two-month period, in comparison with the same period in the previous year or with the last two months prior to the implementation of the exemption from the visa requirement for nationals of a third country listed in Annex II, with one or more of the following circumstances:

- (a) a substantial increase in the number of nationals of that third country refused entry or found to be staying in the Member State's territory without a right thereto;
- (b) a substantial increase in the number of asylum applications from the nationals of that third country for which the recognition rate is low;
- (c) a decrease in cooperation on readmission with that third country, substantiated by adequate data, in particular a substantial increase in the refusal rate of readmission applications submitted by the Member State to that third country for its own nationals or, where a readmission agreement concluded between the Union or that Member State and that third country so provides, for third-country nationals having transited through that third country;

▼ **M14**

- (d) an increased risk or imminent threat to the public policy or internal security of Member States, in particular a substantial increase in serious criminal offences, related to nationals of that third country, substantiated by objective, concrete and relevant information and data provided by competent authorities.

The notification referred to in the first subparagraph shall state the reasons on which it is based and shall include relevant data and statistics as well as a detailed explanation of the preliminary measures that the Member State concerned has taken with a view to remedying the situation. The Member State concerned may, in its notification, specify which categories of nationals of the third country concerned are to be covered by an implementing act under point (a) of paragraph 4, indicating the detailed reasons therefor. The Commission shall inform the European Parliament and the Council immediately of such notification.

2a. Where the Commission, taking into account relevant data, reports and statistics, has concrete and reliable information of circumstances referred to in point (a), (b), (c) or (d) of paragraph 2, arising in one or more Member States, or that the third country is not cooperating on readmission, in particular where a readmission agreement has been concluded between that third country and the Union, for instance:

- refusing or failing to process readmission applications in due time,
- failing to issue travel documents in due time for the purposes of return within deadlines specified in the readmission agreement or not accepting European travel documents issued following the lapse of deadlines specified in the readmission agreement, or
- terminating or suspending the readmission agreement,

the Commission shall inform the European Parliament and the Council promptly with its analysis, and the provisions of paragraph 4 shall apply.

2b. The Commission shall monitor the continuous fulfilment of the specific requirements, which are based on Article - 1 and which were used to assess the appropriateness of granting visa liberalisation, by the third countries whose nationals have been exempted from the visa requirement when travelling to the territory of Member States as a result of a successful conclusion of a visa liberalisation dialogue conducted between the Union and that third country.

In addition, the Commission shall report regularly to the European Parliament and to the Council, at least once a year, for a period of seven years after the date of entry into force of visa liberalisation for that third country, and thereafter when the Commission considers it to be necessary, or upon request by the European Parliament or the Council. The report shall focus on third countries for which the Commission considers that, based on concrete and reliable information, certain requirements are no longer fulfilled.

Where a report of the Commission shows that one or more of the specific requirements is no longer fulfilled in relation to a particular third country, paragraph 4 shall apply.



**▼M14**

3. The Commission shall examine any notification made pursuant to paragraph 2, taking into account:

- (a) whether any of the situations described in paragraph 2 are present;
- (b) the number of Member States affected by any of the situations described in paragraph 2;
- (c) the overall impact of the circumstances referred to in paragraph 2 on the migratory situation in the Union as it appears from the data provided by the Member States or available to the Commission;
- (d) the reports prepared by the European Border and Coast Guard, the European Asylum Support Office or the European Police Office (Europol) or any other institution, body, office or agency of the Union or international organisation competent in matters covered by this Regulation, if circumstances so require in the specific case;
- (e) the indications the Member State concerned may have given in its notification in relation to possible measures under point (a) of paragraph 4;
- (f) the overall question of public policy and internal security, in consultations with the Member State concerned.

The Commission shall inform the European Parliament and the Council of the results of its examination.

4. Where, on the basis of the analysis referred to in paragraph 2a, the report referred to in paragraph 2b, or the examination referred to in paragraph 3, and taking into account the consequences of a suspension of the exemption from the visa requirement for the external relations of the Union and its Member States with the third country concerned, while working in close cooperation with that third country to find alternative long-term solutions, the Commission decides that action is needed, or where a simple majority of Member States have notified the Commission of the existence of circumstances referred to in point (a), (b), (c) or (d) of paragraph 2, the following provisions shall apply:

- (a) The Commission shall adopt an implementing act temporarily suspending the exemption from the visa requirement for nationals of the third country concerned for a period of nine months. The suspension shall apply to certain categories of nationals of the third country concerned, by reference to the relevant types of travel documents and, where appropriate, to additional criteria. When determining to which categories the suspension applies, the Commission shall, based on the information available, include categories that are sufficiently large in order to efficiently contribute to addressing the circumstances referred to in paragraphs 2, 2a and 2b in each specific case, while respecting the principle of proportionality. The Commission shall adopt the implementing act within one month of:
  - (i) receiving the notification referred to in paragraph 2;
  - (ii) being made aware of the information referred to in paragraph 2a;

▼ **M14**

- (iii) presenting the report referred to in paragraph 2b; or
- (iv) receiving the notification from a simple majority of Member States of the existence of circumstances referred to in point (a), (b), (c) or (d) of paragraph 2.

That implementing act shall be adopted in accordance with the examination procedure referred to in Article 4a(2). It shall determine the date on which the suspension of the exemption from the visa requirement is to take effect.

During the period of suspension, the Commission shall establish an enhanced dialogue with the third country concerned with a view to remedying the circumstances in question.

- (b) Where the circumstances referred to in paragraphs 2, 2a and 2b persist, the Commission shall adopt, at the latest two months before the expiry of the nine-month period referred to in point (a) of this paragraph, a delegated act in accordance with Article 4b, temporarily suspending the application of Annex II for a period of 18 months for all nationals of the third country concerned. The delegated act shall take effect from the date of expiry of the implementing act referred to in point (a) of this paragraph and shall amend Annex II accordingly. That amendment shall be made by inserting a footnote next to the name of the third country in question, indicating that the exemption from the visa requirement is suspended with regard to that third country and specifying the period of that suspension.

Where the Commission has submitted a legislative proposal pursuant to paragraph 5, the period of suspension provided for in the delegated act shall be extended by six months. The footnote shall be amended accordingly.

Without prejudice to the application of Article 4, during the period of suspension, the nationals of the third country concerned shall be required to be in possession of a visa when crossing the external borders of the Member States.

A Member State which, in accordance with Article 4, provides for new exemptions from the visa requirement for a category of nationals of the third country covered by the act suspending the exemption from the visa requirement shall communicate those measures in accordance with Article 5.

5. Before the end of the period of validity of the delegated act adopted pursuant to point (b) of paragraph 4, the Commission shall submit a report to the European Parliament and to the Council. The report may be accompanied by a legislative proposal for amending this Regulation in order to transfer the reference to the third country concerned from Annex II to Annex I.

6. Where the Commission has submitted a legislative proposal pursuant to paragraph 5, it may extend the validity of the implementing act adopted pursuant to paragraph 4 by a period not exceeding 12 months. The decision to extend the validity of the implementing act shall be adopted in accordance with the examination procedure referred to in Article 4a(2).

**▼ M14***Article 1b*

By 10 January 2018, the Commission shall submit a report to the European Parliament and to the Council assessing the effectiveness of the reciprocity mechanism provided for in Article 1(4) and shall, if necessary, submit a legislative proposal for amending this Regulation. The European Parliament and the Council shall act on such a proposal by the ordinary legislative procedure.

*Article 1c*

By 29 March 2021, the Commission shall submit a report to the European Parliament and to the Council assessing the effectiveness of the suspension mechanism provided for in Article 1a and shall, if necessary, submit a legislative proposal for amending this Regulation. The European Parliament and the Council shall act on such a proposal by the ordinary legislative procedure.

**▼ M10***Article 2*

For the purposes of this Regulation, ‘visa’ means a visa as defined in Article 2(2)(a) of Regulation (EC) No 810/2009 of the European Parliament and of the Council of 13 July 2009 establishing a Community Code on Visas (Visa Code) <sup>(1)</sup>.

**▼ M5  
▼ C1****▼ B***Article 4***▼ M11**

1. A Member State may provide for exceptions from the visa requirement provided for by Article 1(1) or from the exemption from the visa requirement provided for by Article 1(2) as regards:

- (a) holders of diplomatic passports, service/official passports or special passports;
- (b) civilian air and sea crew members in the performance of their duties;
- (c) civilian sea crew members, when they go ashore, who hold a seafarer's identity document issued in accordance with the International Labour Organisation Conventions No 108 of 13 May 1958 or No 185 of 16 June 2003 or the International Maritime Organisation Convention on Facilitation of International Maritime Traffic of 9 April 1965;
- (d) crew and members of emergency or rescue missions in the event of disaster or accident;
- (e) civilian crew of ships navigating in international inland waters;

<sup>(1)</sup> OJ L 243, 15.9.2009, p. 1.

**▼M11**

- (f) holders of travel documents issued by intergovernmental international organisations of which at least one Member State is member, or by other entities recognised by the Member State concerned as subjects of international law, to officials of those organisations or entities.

**▼M5****▼C1**

2. A Member State may exempt from the visa requirement:
  - (a) a school pupil having the nationality of a third country listed in Annex I who resides in a third country listed in Annex II or in Switzerland and Liechtenstein and is travelling in the context of a school excursion as a member of a group of school pupils accompanied by a teacher from the school in question;
  - (b) recognised refugees and stateless persons if the third country where they reside and which issued their travel document is one of the third countries listed in Annex II;
  - (c) members of the armed forces travelling on NATO or Partnership for Peace business and holders of identification and movement orders provided for by the Agreement of 19 June 1951 between the Parties to the North Atlantic Treaty Organisation regarding the status of their forces;

**▼M11**

- (d) without prejudice to the requirements stemming from the European Agreement on the Abolition of Visas for Refugees signed at Strasbourg on 20 April 1959, recognised refugees and stateless persons and other persons who do not hold the nationality of any country who reside in the United Kingdom or in Ireland and are holders of a travel document issued by the United Kingdom or Ireland, which is recognised by the Member State concerned.

**▼B**

3. A Member State may provide for exceptions from the exemption from the visa requirement provided for in Article 1(2) as regards persons carrying out a paid activity during their stay.

**▼M11***Article 4a*

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011 of the European Parliament and of the Council <sup>(1)</sup>.
2. Where reference is made to this paragraph, Article 5 of Regulation (EU) No 182/2011 shall apply.
3. Where the committee delivers no opinion, the Commission shall not adopt the draft implementing act and the third subparagraph of Article 5(4) of Regulation (EU) No 182/2011 shall apply.

<sup>(1)</sup> Regulation (EU) No 182/2011 of the European Parliament and of the Council of 16 February 2011 laying down the rules and general principles concerning mechanisms for control by Member States of the Commission's exercise of implementing powers (OJ L 55, 28.2.2011, p. 13).

▼ **M14***Article 4b*

1. The power to adopt delegated acts is conferred on the Commission subject to the conditions laid down in this Article.

2. The power to adopt delegated acts referred to in point (f) of Article 1(4) shall be conferred on the Commission for a period of five years from 9 January 2014. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

2a. The power to adopt delegated acts referred to in point (b) of Article 1a(4) shall be conferred on the Commission for a period of five years from 28 March 2017. The Commission shall draw up a report in respect of the delegation of power not later than nine months before the end of the five-year period. The delegation of power shall be tacitly extended for periods of an identical duration, unless the European Parliament or the Council opposes such extension not later than three months before the end of each period.

3. The delegation of power referred to in point (f) of Article 1(4) and in point (b) of Article 1a(4) may be revoked at any time by the European Parliament or by the Council. A decision to revoke shall put an end to the delegation of the power specified in that decision. It shall take effect the day following the publication of the decision in the *Official Journal of the European Union* or at a later date specified therein. It shall not affect the validity of any delegated acts already in force.

3a. Before adopting a delegated act, the Commission shall consult experts designated by each Member State in accordance with the principles laid down in the Interinstitutional Agreement of 13 April 2016 on Better Law-Making <sup>(1)</sup>.

4. As soon as it adopts a delegated act, the Commission shall notify it simultaneously to the European Parliament and to the Council.

5. A delegated act adopted pursuant to point (f) of Article 1(4) shall enter into force only if no objection has been expressed either by the European Parliament or the Council within a period of four months of notification of that act to the European Parliament and the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object. That period shall be extended by two months at the initiative of the European Parliament or of the Council.

6. A delegated act adopted pursuant to point (b) of Article 1a(4) shall enter into force only if no objection has been expressed either by the European Parliament or by the Council within a period of two months of notification of that act to the European Parliament and to the Council or if, before the expiry of that period, the European Parliament and the Council have both informed the Commission that they will not object.

<sup>(1)</sup> OJ L 123, 12.5.2016, p. 1.



#### Article 5

1. Within 10 working days of the entry into force of this Regulation, Member States shall communicate to the other Member States and the Commission the measures they have taken pursuant to Article 3, second indent and Article 4. Any further changes to those measures shall be similarly communicated within five working days.

2. The Commission shall publish the measures communicated pursuant to paragraph 1 in the *Official Journal of the European Communities* for information.

#### Article 6

This Regulation shall not affect the competence of Member States with regard to the recognition of States and territorial units and passports, travel and identity documents issued by their authorities.

#### Article 7

1. Council Regulation (EC) No 574/1999 <sup>(1)</sup> shall be replaced by this Regulation.

2. The final versions of the Common Consular Instruction (CCI) and of the Common Manual (CM), as they result from the Decision of the Schengen Executive Committee of 28 April 1999 (SCH/Com-ex(99) 13) shall be amended as follows:

1. the heading of Annex 1, part I of the CCI and of Annex 5, part I of the CM, shall be replaced by the following:

‘Common list of third countries the nationals of which are subject to the visa requirement imposed by Regulation (EC) No 539/2001’;

2. the list in Annex 1, part I of the CCI and in Annex 5, part I of the CM shall be replaced by the list in Annex I to this Regulation;

3. the heading of Annex 1, part II of the CCI and of Annex 5, part II of the CM shall be replaced by the following:

‘Common list of third countries the nationals of which are exempted from the visa requirement by Regulation (EC) No 539/2001’;

4. the list in Annex 1, part II of the CCI and in Annex 5, part II of the CM shall be replaced by the list in Annex II to this Regulation;

5. part III of Annex 1 to the CCI and part III of Annex 5 of the CM shall be deleted.

3. The decisions of the Schengen Executive Committee of 15 December 1997 (SCH/Com-ex(97)32) and of 16 December 1998 (SCH/Com-ex(98)53, rev.2) shall be repealed.

<sup>(1)</sup> OJ L 72, 18.3.1999, p. 2.

**▼ M1***Article 8*

This Regulation shall enter into force on the 20th day following that of its publication in the *Official Journal of the European Communities*.

**▼ B**

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaty establishing the European Community.

**▼ B***ANNEX I***Common list referred to in Article 1(1)**

## 1. STATES

Afghanistan

**▼ M7**

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**▼ B**

Algeria

Angola

**▼ M5****▼ C1**

\_\_\_\_\_

**▼ B**

Armenia

Azerbaijan

**▼ M5****▼ C1**

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**▼ B**

Bahrain

Bangladesh

**▼ M5****▼ C1**

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**▼ B**

Belarus

Belize

Benin

Bhutan

**▼ M5****▼ C1**

Bolivia

**▼ M7**

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**▼ B**

Botswana

Burkina Faso

Burma/Myanmar

Burundi

Cambodia

Cameroon

Cape Verde

Central African Republic

Chad

China

**▼ M13**

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**▼ B**

Congo

Côte d'Ivoire

Cuba



**▼ B**

Democratic Republic of the Congo  
Djibouti

**▼ M13**

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**▼ B**

Dominican Republic

**▼ M5****▼ C1**

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**▼ M2**

Ecuador

**▼ B**

Egypt  
Equatorial Guinea  
Eritrea  
Ethiopia

**▼ M5****▼ C1**

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**▼ B**

Fiji

**▼ M6**

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**▼ B**

Gabon  
Gambia

**▼ M15**

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**▼ B**

Ghana

**▼ M13**

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**▼ B**

Guinea  
Guinea-Bissau  
Guyana  
Haiti  
India  
Indonesia  
Iran  
Iraq  
Jamaica  
Jordan  
Kazakhstan  
Kenya

**▼ M13**

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**▼ B**

Kuwait  
Kyrgyzstan  
Laos  
Lebanon  
Lesotho  
Liberia  
Libya  
Madagascar  
Malawi

**▼ B**

Maldives

Mali

**▼ M13**

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**▼ B**

Mauritania

**▼ M5****▼ C1**

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**▼ M13**

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**▼ M12**

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**▼ B**

Mongolia

**▼ M6**

\_\_\_\_\_

**▼ B**

Morocco

Mozambique

Namibia

**▼ M13**

\_\_\_\_\_

**▼ B**

Nepal

Niger

Nigeria

North Korea

**▼ M8**

\_\_\_\_\_

**▼ B**

Oman

Pakistan

**▼ M13**

\_\_\_\_\_

**▼ B**

Papua New Guinea

**▼ M13**

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**▼ B**

Philippines

Qatar

Russia

Rwanda

**▼ M5****▼ C1**

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**▼ M13**

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**▼ B**

São Tomé and Príncipe

Saudi Arabia

Senegal

▼ M6

\_\_\_\_\_

▼ M5▼ C1

\_\_\_\_\_

▼ B

Sierra Leone

▼ M13

\_\_\_\_\_

▼ B

Somalia

South Africa

▼ M13

South Sudan

▼ B

Sri Lanka

Sudan

Surinam

Swaziland

Syria

Tajikistan

Tanzania

Thailand

The Comoros

▼ M13

\_\_\_\_\_

▼ B

Togo

▼ M13

\_\_\_\_\_

▼ B

Tunisia

Turkey

Turkmenistan

▼ M13

\_\_\_\_\_

▼ B

Uganda

▼ M16

\_\_\_\_\_

▼ M13

\_\_\_\_\_

▼ B

Uzbekistan

▼ M13

\_\_\_\_\_

▼ B

Vietnam

▼ M5▼ C1

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▼ B

Yemen

Zambia

Zimbabwe

**▼ B**

2. ENTITIES AND TERRITORIAL AUTHORITIES THAT ARE NOT  
RECOGNISED AS STATES BY AT LEAST ONE MEMBER STATE

**▼ M2**

\_\_\_\_\_

**▼ M6**

Kosovo as defined by the United Nations Security Council Resolution 1244 of  
10 June 1999

**▼ B**

Palestinian Authority

**▼ M8**

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**▼ M13**

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**▼ B***ANNEX II***Common list referred to in Article 1(2)**

## 1. STATES

**▼ M7**Albania <sup>(1)</sup>**▼ B**

Andorra

**▼ M5****▼ C1**Antigua and Barbuda <sup>(2)</sup>**▼ B**

Argentina

Australia

**▼ M5****▼ C1**Bahamas <sup>(2)</sup>Barbados <sup>(2)</sup>

\_\_\_\_\_

**▼ M7**Bosnia and Herzegovina <sup>(1)</sup>**▼ B**

Brazil

**▼ M5****▼ C1**

Brunei Darussalam

**▼ M4**

\_\_\_\_\_

**▼ B**

Canada

Chile

**▼ M13**Colombia <sup>(3)</sup>**▼ B**

Costa Rica

**▼ M9**

\_\_\_\_\_

**▼ A1**

\_\_\_\_\_

**▼ M13**Dominica <sup>(3)</sup>**▼ M2**

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**▼ A1**

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**▼ M6**former Yugoslav Republic of Macedonia <sup>(4)</sup>**▼ M15**Georgia <sup>(5)</sup>**▼ M13**Grenada <sup>(3)</sup><sup>(1)</sup> The exemption from the visa requirement applies only to holders of biometric passports.<sup>(2)</sup> The exemption from the visa requirement will apply from the date of entry into force of an agreement on visa exemption to be concluded with the European Community.<sup>(3)</sup> The exemption from the visa requirement shall apply from the date of entry into force of an agreement on visa exemption to be concluded with the European Union.<sup>(4)</sup> The visa requirement exemption applies only to holders of biometric passports.<sup>(5)</sup> The visa waiver is limited to the holders of biometric passports issued by Georgia in line with standards of the International Civil Aviation Organisation (ICAO).

**▼ B**

Guatemala  
Holy See  
Honduras

**▼ A1**

\_\_\_\_\_

**▼ B**

Israel  
Japan

**▼ M13**

Kiribati <sup>(1)</sup>

**▼ A1**

\_\_\_\_\_

**▼ B**

Malaysia

**▼ A1**

\_\_\_\_\_

**▼ M13**

Marshall Islands <sup>(1)</sup>

**▼ M5****▼ C1**

Mauritius <sup>(2)</sup>

**▼ B**

Mexico

**▼ M13**

Micronesia <sup>(1)</sup>

**▼ M12**

Moldova, Republic of <sup>(3)</sup>

**▼ B**

Monaco

**▼ M6**

Montenegro <sup>(4)</sup>

**▼ M13**

Nauru <sup>(1)</sup>

**▼ B**

New Zealand  
Nicaragua

**▼ M13**

Palau <sup>(1)</sup>

**▼ B**

Panama  
Paraguay

**▼ M13**

Peru <sup>(1)</sup>

**▼ A1**

\_\_\_\_\_

**▼ M4**

\_\_\_\_\_

<sup>(1)</sup> The exemption from the visa requirement shall apply from the date of entry into force of an agreement on visa exemption to be concluded with the European Union.

<sup>(2)</sup> The exemption from the visa requirement will apply from the date of entry into force of an agreement on visa exemption to be concluded with the European Community.

<sup>(3)</sup> The visa waiver will be limited to the holders of biometric passports issued in line with standards of the International Civil Aviation Organisation (ICAO).

<sup>(4)</sup> The visa requirement exemption applies only to holders of biometric passports.

**▼ M5****▼ C1**

Saint Kitts and Nevis <sup>(1)</sup>

**▼ M13**

Saint Lucia <sup>(2)</sup>

Saint Vincent and the Grenadines <sup>(2)</sup>

**▼ B**

Salvador

**▼ M13**

Samoa <sup>(2)</sup>

**▼ B**

San Marino

**▼ M6**

Serbia (excluding holders of Serbian passports issued by the Serbian Coordination Directorate (in Serbian: *Koordinaciona uprava*)) <sup>(3)</sup>

**▼ M5****▼ C1**

Seychelles <sup>(1)</sup>

**▼ B**

Singapore

**▼ A1**

\_\_\_\_\_

**▼ M13**

Solomon Islands <sup>(2)</sup>

**▼ B**

South Korea

**▼ M2**

\_\_\_\_\_

**▼ M13**

Timor-Leste <sup>(2)</sup>

Tonga <sup>(2)</sup>

Trinidad and Tobago <sup>(2)</sup>

Tuvalu <sup>(2)</sup>

**▼ M16**

Ukraine <sup>(4)</sup>

**▼ M13**

the United Arab Emirates <sup>(2)</sup>

**▼ B**

United States of America

Uruguay

**▼ M13**

Vanuatu <sup>(2)</sup>

**▼ B**

Venezuela

<sup>(1)</sup> The exemption from the visa requirement will apply from the date of entry into force of an agreement on visa exemption to be concluded with the European Community.

<sup>(2)</sup> The exemption from the visa requirement shall apply from the date of entry into force of an agreement on visa exemption to be concluded with the European Union.

<sup>(3)</sup> The visa requirement exemption applies only to holders of biometric passports.

<sup>(4)</sup> The visa waiver is limited to the holders of biometric passports issued by Ukraine in line with standards of the International Civil Aviation Organisation (ICAO).

**▼ B**

2. SPECIAL ADMINISTRATIVE REGIONS OF THE PEOPLE'S REPUBLIC OF CHINA  
Hong Kong SAR <sup>(1)</sup>  
Macao SAR <sup>(2)</sup>

**▼ M13**

3. BRITISH CITIZENS WHO ARE NOT NATIONALS OF THE UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND FOR THE PURPOSES OF UNION LAW:  
British nationals (Overseas)  
British overseas territories citizens (BOTC)  
British overseas citizens (BOC)  
British protected persons (BPP)  
British subjects (BS)

**▼ M8**

4. ENTITIES AND TERRITORIAL AUTHORITIES THAT ARE NOT RECOGNISED AS STATES BY AT LEAST ONE MEMBER STATE:  
Taiwan <sup>(3)</sup>

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<sup>(1)</sup> The visa requirement exemption applies only to holders of a 'Hong Kong Special Administrative Region' passport.

<sup>(2)</sup> The visa requirement exemption applies only to holders of a 'Região Administrativa Especial de Macau' passport.

<sup>(3)</sup> The exemption from the visa requirement applies only to holders of passports issued by Taiwan which include an identity card number.