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**REPORT FROM THE COMMISSION TO THE EUROPEAN PARLIAMENT AND
THE COUNCIL**

on cases where visa waiver non-reciprocity is maintained by certain third countries

in accordance with Article 1(5) of Council Regulation (EC) No 539/2001 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, as amended by Regulation (EC) No 851/2005 as regards the reciprocity mechanism

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I. INTRODUCTION

Council Regulation (EC) No 539/2001 of 15 March 2001 is at the heart of the common EU visa policy, listing the third countries whose nationals must be in possession of visas when crossing the external borders of the Member States (Annex I to the Regulation, the “negative list”) and those whose nationals are exempt from that requirement (Annex II to the Regulation, the “positive list”)¹. It was substantially modified by Regulation (EC) No 851/2005 of 2 June 2005, which introduced a new reciprocity mechanism. The aim of the new mechanism is to establish through appropriate measures reciprocity towards third countries still requiring a visa from citizens of certain Member States for stays of less than 90 days while the Community does not apply such visa requirements towards the citizens of those third countries. Regulation (EC) No 851/2005 allows the visa requirement to be introduced provisionally vis-à-vis the countries concerned. In addition, a joint declaration made by the Council and the Commission when Regulation (EC) No 851/2005 was adopted refers to the possibility of taking other provisional measures, particularly in the political, economic and commercial fields².

Pursuant to Regulation (EC) No 851/2005 and in the light of notifications by Member States of cases of non-reciprocity, the Commission on 10 January 2006 presented a report to the Council on visa waiver reciprocity with certain third countries³. This report described the Commission’s approaches towards the countries on the positive list that continued to require a visa from Member State nationals and listed the results obtained. In view of the progress achieved, the Commission concluded that there was no need at that stage to include with the report a proposal for temporary restoration of the visa requirement or for measures such as those contained in the Council and Commission joint declaration. However, for the purposes of the second report, the Commission stated that it would monitor whether the solutions announced by certain third countries had been put into practice and whether further dialogue with others had opened up the prospect of reciprocal visa-free travel.

In its conclusions of 21 February 2006, the Council endorsed the Commission’s analysis and urged it to strengthen its efforts with the United States, Canada and Australia and to monitor progress with the other third countries concerned.

This report, presented to the European Parliament and to the Council pursuant to Article 1(5) of Regulation (EC) No 539/2001, as worded in Article 1 of Regulation (EC) No 851/2005, takes stock of the approaches made by the Commission since the adoption of the Council conclusions of 21 February vis-à-vis the third countries on the positive list which continue to require visas from Member State nationals.

¹ OJ L 81, 21.3.2001, p. 1.

² OJ C 172, 12.7.2005, p. 1.

³ COM (2006) 3 final.

II. RESULTS ACHIEVED SINCE THE COMMISSION'S FIRST REPORT ON RECIPROCITY

In the days following its adoption, the Commission's report of 10 January 2006 was sent by note verbale to the authorities of the various third countries concerned.

Following the Council's endorsement on 21 February 2006 of the approach proposed in the concluding part of its report, the Commission was able to actively resume its efforts and work on obtaining reciprocity.

In close cooperation with the Member States, the Commission held an intensive dialogue with the authorities of the third countries concerned. With particular regard to Australia, Canada and the United States, the Commission organised a technical meeting on 23 March 2006 with representatives of the Member States concerned in order to assess the state of the dialogue between them and the three third countries in question and the results of the dialogue. That meeting took place in advance of the high-level contacts scheduled between the Commission and the authorities of the three countries over the following weeks.

1. Full reciprocity now in place

1.1. Uruguay

Results of contacts with the Uruguayan authorities

The Estonian authorities notified the Commission on 16 January 2006 that Uruguay had abolished the visa requirement for Estonian nationals for stays of up to three months.

Assessment

Full visa waiver reciprocity has now been achieved vis-à-vis all the Member States.

1.2. Costa Rica

Steps taken to achieve reciprocity

The Commission drew the attention of the Costa Rican authorities to the maintenance of the visa requirement vis-à-vis nationals of Iceland and was told that Iceland would soon enjoy the same status. An amendment of the "General Rules" to that effect has been announced.

In response to a Commission note verbale of 15 June 2006, the Costa Rican authorities confirmed by memo of 20 July that reciprocity was now ensured, including vis-à-vis Iceland.

Assessment

Full visa waiver reciprocity has now been achieved vis-à-vis all the Member States and the Schengen countries.

2. Steps to achieve reciprocity ongoing

2.1. Brazil

Current situation

Visa requirement maintained vis-à-vis nationals of Austria, Cyprus, Estonia, Latvia, Lithuania and Malta.

The Czech Republic informed the Council and the Commission that the agreement concluded with Brazil on 29 April 2004 on abolishing the visa requirement had come into force on 3 October 2005.

Steps taken to achieve reciprocity

The Brazilian authorities have already formally expressed and confirmed their political will to waive the visa requirement for nationals of the Member States still subject to the requirement and in 2005 sent the Commission a draft agreement to be concluded with the European Community for the purpose of lifting the visa requirement for citizens of the Member States referred to above.

In its first report, the Commission noted that the Community's exclusive competence in relation to the visa requirement and waiver precluded the conclusion of a visa waiver agreement between the EC and Brazil which would apply only to a limited number of Member States.

In its conclusions on the Commission report of 21 February 2006, the Council welcomed Brazil's political commitment and invited 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. The Commission is currently preparing that recommendation. This will be the first time that a bilateral visa waiver agreement has been negotiated between the Community and a third country.

Assessment

The Brazilian authorities have stressed their commitment to ensure full reciprocity in relation to visas. As soon as a number of problems relating to complications arising from the Community's legal order have been resolved, in particular regarding the length of the short stay authorised under a visa waiver, the Commission will submit the above recommendation with a view to opening negotiations with Brazil.

2.2. Malaysia

Current situation: visa waiver limited to stays of less than 30 days for nationals of Cyprus, Estonia, Greece, Latvia, Lithuania, Portugal and Slovenia.

Steps taken to achieve reciprocity

In a letter to the Commission dated 6 February 2006, Malaysia's Mission to the European Union confirmed the Malaysian authorities' intention to settle the outstanding reciprocity issues.

As it had received no subsequent official communication on this subject, the Commission reminded the Malaysian authorities, by note verbale dated 1 June 2006, of the continuing non-reciprocity problems vis-à-vis the Member States concerned and invited them to inform it of the current situation in view of the second report to be presented in July 2006.

By a letter dated 24 August 2006 the Malaysian authorities informed the Commission that they are committing themselves to restore up to three months visa-free stay for the citizens of all these Member States. This will happen in two stages. The first stage is already in course of implementation as they are currently making all the necessary administrative arrangements to grant a three months visa-free stay for the citizens of Greece, Portugal, Cyprus, Latvia and Malta. Nevertheless, the visa-free stay will remain up to one month for the citizens of Estonia, Lithuania and Slovenia. According to their letter, the Malaysian authorities claim that these Member States do not grant a visa-free stay for Malaysian citizens or they are granting a visa-free stay limited to fourteen days. They state that the restoration of the visa-free stay for three months will happen by the time these Member States introduce the visa-free stay for three months for Malaysian citizens.

Assessment

The Commission welcomes the progress of Malaysia to restore visa reciprocity by granting a visa-free stay of three months for all Member States. In particular it welcomes the administrative arrangements in order to restore visa reciprocity for the citizens of Greece, Portugal, Cyprus, Latvia and Malta. Furthermore, the Commission is examining the claims concerning Estonia, Lithuania and Slovenia. At the time of drafting the report already two of these three Member States have confirmed to the Commission that the claims are not founded as they are indeed granting a visa-free stay of up to three months for Malaysian citizens.

The Commission will continue the examination of the Malaysian claims and will take all the appropriate steps to explain to the Malaysian authorities the actual situation as regards these three Member States and to restore visa-free stay of three months for the citizens of these Member States as well, at the earliest possible time.

3. The solution of the non-reciprocity problems has been announced but is yet to be put into practice

3.1. Paraguay

Current situation

Visa requirement maintained vis-à-vis nationals of Iceland.

Steps taken to achieve reciprocity

The Paraguayan authorities have notified the Commission that the outstanding problem will be settled by executive decree.

As it had not received official confirmation that the decree had been signed, the Commission officially reminded the Paraguayan authorities of the continuing non-reciprocity situation vis-à-vis Icelandic nationals by note verbale dated 5 June 2006.

Assessment

The materialisation of the announced measure needs to be verified and, as necessary, accompanied by an examination of the appropriate ways forward to ensure full reciprocity.⁴

3.2. Singapore

Current situation: visa waiver limited to stays of 30 days, but the stay may be extended locally by two periods of 30 days.

In its report of 10 January 2006, drawn up on the basis of the information available in December 2005, the Commission gave a positive assessment of the arrangements applicable in Singapore (visa waiver on entry for stays of 30 days; simple procedure for two 30-day extensions), in particular in view of the equal treatment of all nationals exempt from the visa obligation, the easy procedure for visa-free prolongation of stay and the size of the country. However, the Commission has since learnt of three additional factors: US and Australian citizens are eligible for visa waivers for stays of up to 90 days; the length of stay under a visa waiver varies according to the type of transport used to reach Singapore; local extension of the stay gives rise to a number of practical problems.

Steps taken to achieve reciprocity

The Commission drew the Singapore authorities' attention to the new factors mentioned above by note verbale dated 2 June 2006 and invited them to inform it of the current situation ahead of its second report.

Assessment

The information subsequently received by the Commission casts doubt on the positive assessment given in the report of 10 January 2006. The fact that nationals of two third countries are eligible for a 90-day visa waiver, in particular, is an important factor in the assessment of the visa waiver arrangements allowed to EU citizens.

A final assessment can be given only once the information to be provided by the Singapore authorities has been analysed.

3.3. Brunei

Current situation

Visa requirement maintained vis-à-vis nationals of the Czech Republic, Estonia, Finland, Iceland, Latvia, Lithuania, Malta and Portugal.

Stay under visa waiver limited to 14 days for nationals of Belgium, Cyprus, Denmark, France, Hungary, Italy, Luxembourg, Norway, Poland, Slovakia, Slovenia, Spain and Sweden.

⁴ On 27.9.2006 the Commission received a copy of the Presidential Decree No 8065 of 21.8.2006 exempting citizens of Iceland from the visa requirement for a stay up to 90 days. With regard to the date the communication was received, it has not been possible, due to technical reasons, to change the report accordingly.

Stay under visa waiver limited to 30 days for nationals of Austria, Germany, Greece and the Netherlands.

The first Commission report stated that “although a visa-free stay of less than 90 days for citizens of Member States (and with the same period of stay for all Member States’ citizens) cannot be considered a granting of full reciprocity, Brunei offered to apply as favourable conditions to all EU citizens as it applies vis-à-vis its closest Asian partners. The equal treatment between Member States would thus be guaranteed.”

Steps taken to achieve reciprocity

Contacts have been made at technical level. The Commission has been informed that the problem had been brought to the attention of the Brunei authorities at ministerial level and a solution to the problem was thought possible.

On receiving no official confirmation of a willingness to take steps towards reciprocity, the Commission officially reminded the Brunei authorities of the continuation of the above non-reciprocity situations by note verbale dated 1 June 2006. By note verbale dated 6 July 2006, the Brunei authorities requested a three-week extension of the time-limit for submitting their views on the subject. By subsequent note verbale dated 10 July 2006, the Brunei authorities stated that the Government of Brunei agreed in principle to granting a visa waiver for all Member State nationals for stays of up to 30 days and requested a three-week extension of the time-limit for informing the Commission when the waiver would enter into force.

Assessment

In the light of the latest note verbale from the Brunei authorities, a solution that would guarantee all Member State nationals equal treatment appears imminent. A final assessment cannot be given until the Brunei authorities have demonstrated their intentions.

4. Progress on reciprocity has been made since the report of 10 January 2006

4.1. Canada

Current situation

Visa requirement maintained vis-à-vis nationals of the Czech Republic, Estonia, Hungary, Latvia, Lithuania, Poland and Slovakia.

In its first report, the Commission commented that Canada had engaged in a dialogue on establishing a reciprocal visa waiver system, but without any real progress being made. It noted that the dialogue initiated with Canada must continue but that it should become more results-oriented. It wanted a transparent process establishing clear benchmarks that led to a visa waiver for the citizens of all Member States.

Steps taken to achieve reciprocity

Since the first report, numerous meetings have taken place between Canada and the Member States and between Canada and the Commission.

The Canadian authorities have sent the Member States concerned information and data relating to non-respect of the criteria for visa waiver; they have also expressed their willingness to clarify further the relevant criteria and conditions to be met.

Further to the numerous meetings referred to above, the Canadian authorities sent the Commission a letter on 28 June 2006 stating the following:

"...I wish to confirm that Canada is committed to seeing the new Member States achieve visa exempt status. Furthermore, Canada and the European Commission share a strategic interest in closer cooperation on international migration. In this context, we are very supportive of establishing a regular and sustained dialogue with the European Commission.

To move forward on this front we propose a framework for cooperation between Citizenship and Immigration Canada and the European Commission's Directorate General for Justice, Freedom and Security...

A key forum under this new framework would be a working group to inform the review of visa requirements...

Canada is committed to making its visa review process more transparent and to providing the European Commission and the new Member States with more information on the thresholds related to visa exemption and imposition. As we discussed at our meeting last May, enhanced information sharing will contribute significantly to Canada's ability to assess conditions in member states of the European Union.

As you know, the factors on which visa exemption and re-imposition decisions are currently based include:

- consistently low rates of refusal of requests for Canadian visas over an extended period from nationals of the country under review;
- co-operation and information sharing by the country under review on migration and law enforcement issues such as removals and police investigations;
- low levels of organized crime in Canada linked to the source country;
- low levels of passport abuse or evidence of corruption in the issuance of the country's documents; and,
- no influx in non-bona fide asylum seekers from the source country or travelling on the source country's documents.

Citizenship and Immigration Canada is currently working to bring more clarity to these thresholds...

Finally, I would also like to confirm that Canada has begun consultations to lift the visa requirement on one new Member State and to receive assurances for enhanced collaboration on migration integrity efforts. It is Canada's expectation that these consultations will be completed quickly".

Assessment

Although all the non-reciprocity problems with Canada have not yet been resolved, the Commission considers that the commitments made by the Canadian authorities in their letter of 28 June and the first concrete step represent tangible progress:

- The contacts between Canada and Estonia since 29 June have resulted in the decision by the Canadian Government to waive the temporary resident visas for Estonian nationals as from 27 September 2006. This provides very clear confirmation of the Canadian Government's will to meet the common objective of reciprocity with all the Member States;
- The introduction of a new framework for dialogue on this subject, combined with greater transparency with respect to the criteria and conditions to be met by the Member States concerned to be eligible for the visa waiver, will allow them to make more rapid progress towards achieving that objective.

The Commission does not therefore find at this stage that measures need to be considered against Canada, having regard to in particular the materialisation of the first commitment by the Canadian authorities referred to above. Regarding the second commitment, the Commission will ensure, together with Canada, that any Member State meeting the objective criteria has the benefit of the visa waiver as soon as possible.

4.2. Australia

Current situation

Australia requires an Electronic Travel Authority (ETA) from nationals of 14 Member States (Belgium, Denmark, Germany, Greece, Spain, France, Italy, Luxembourg, Malta, Netherlands, Austria, Portugal, Finland and Sweden), as well as of the associated States of Iceland and Norway.

An eVisa (e676) is required of the nationals of nine Member States (the Czech Republic, Estonia, Cyprus, Latvia, Lithuania, Hungary, Poland, Slovenia and Slovakia). Nationals of three of the above, i.e. Estonia, Latvia and Slovenia, can use the "autogrant facility".

Steps taken to achieve reciprocity

Further to the findings of its report of 10 January 2006, the Commission has set out, in its contacts with the Member States and Australia, to examine more closely the reasons put forward by the Australian authorities to justify maintaining the current electronic visa system (see point 3.1 in the report of 10 January 2006):

- In the case of three Member States it is not possible to distinguish online between travel documents issued to EU citizens and those issued to third-country nationals (the structure of the numbers is the same, regardless of the type of document).

Contacts between the Commission and the Member States have helped confirm that this online problem concerns only travel documents issued by the Czech Republic. Regarding the extent of this problem, the Commission must however note that the electronic visa application forms put online by DIMA (the Department of Immigration and Multicultural Affairs) include

a specific heading on citizenship which asks the visa applicant to indicate whether he/she is a national of the country that issued the passport and, if not, to specify his/her actual citizenship status.

- Increase in the number of cases of overstay, visa refusal rates, high rate of use of fraudulent supporting documents

At the beginning of June, DIMA sent the Commission a progress report which explained that these rates, when compared with the overall average, are valid criteria for assessing performances in the light of immigration requirements and for deciding whether a Member State is eligible for the autogrant facility. The progress report includes in the annex a statistical table showing the three rates over the reference periods 2003-04, 2004-05 and the second half of 2005.

The table, which relates only to the six Member States whose nationals are subject to the standard e676 (autogrant facility not allowed), indicates the following:

- Overstay rates

Rates vary from 0.23% to 2.41% and there are marked differences in trends. In two Member States (Lithuania, Cyprus) the rates have fallen twice, while they have risen twice in another two (Hungary, Slovakia). In the remaining two Member States, the rate falls then rises in one case (Czech Republic) and vice versa in the other (Poland).

- Visa refusal rates

The refusal rate for nationals of each Member State concerned has fallen twice until all were below the overall refusal rate for 2005-2006.

- Visa cancellation rate

The rates are very low, or insignificant in some cases: the rate is 0.00% in the case of four Member States for each of the three reference periods; in the case of one Member State, the rate is 0.00% in two reference periods and 0.01% in the other; the rate has progressed steadily in the case of one Member State only, rising from 0.00% to 0.02%, then to 0.03%.

- High rate of fraudulent use of supporting documents

The Australian authorities have not provided any further information on this subject.

Conclusions of the Australian authorities:

- in view of the Czech Republic's performance against the overall average for the three relevant criteria, extension of the autogrant facility to its nationals can be considered. However, DIMA notes that the extension is subject to a number of outstanding points being resolved with the Czech Republic;
- in the case of the other five Member States, although progress has been observed over the latest reference period, it is insufficient to envisage the extension of the autogrant facility;
- technical improvements will be made to the autogrant facility over the next six months so as to reduce the number of supporting documents that need to be presented.

By letter dated 28 August 2006, the Australian Minister for Immigration and Multicultural Affairs supplied some additional information:

"Australian Government has developed a strategy for implementation of a number of measures over the next few years to achieve uniformity of visa arrangements for all EU member states, involving:

- As an initial step, a series of improvements to Australia's electronic Tourist visa service (e676), to be implemented in early 2007, to reduce the length of the online application form and the additional documentation that is sometimes required from applicants.
- From 1 July 2007, the elimination of the visa application charge for three-month e676 and short stay business visitor visas for new EU member states.
- Extension of the e676 autogrant facility to new EU member states, as they achieve compliance levels at or below the global average of compliance with Australia's visa requirements...
- In 2008, implementation of a new electronic visa service for tourists and business visitors (eVisitors) that will merge the internet platform of the Electronic Travel Authority (ETA) and the e676 service. This new service will have uniform application across the EU, and carries no visa application charge...
- The Australian Government will also examine technical options to move to a single platform for issuing tourist and business visitor visas that would apply across the EU, for implementation when a technical solution is identified."

There was a meeting with the Australian authorities on 29 August 2006 in relation to this information.

Assessment

The prospect of the forthcoming extension of the autogrant facility to Czech nationals represents undeniable progress which the Commission welcomes even if it is conditional. The technical improvements to be made to the e676 service over the coming months are likely to make life easier for visa applicants but the details are still awaited. However, the announcement in the letter from the Minister for Immigration and Multicultural Affairs of the dropping of the visa application charge for the e676 service from July 2007 is a real move towards the restoration of equal treatment for all Member States. Also, the plans referred to in the Australian authorities' information sketch out the conditions, steps and timetable for full restoration of equal treatment for citizens of all Member States by 2008 with the introduction of the new single eVisitors platform merging the ETA and e676 services.

Overall the Commission believes that it is not necessary at the present stage to envisage any measures against Australia. However, the development of the conditions for the granting of visas must continue to be monitored until the launching of the eVisitors platform, in particular as regards the actual introduction within a reasonable time of the improvements announced by the Australian authorities (simplification of the e676 service, provision of the autogrant facility, introduction of a single platform applying to all the Member States).

5. No progress has been made on reciprocity since the report of 10 January 2006

5.1. United States of America

Current situation

Visa requirement maintained for nationals of the Czech Republic, Greece, Estonia, Cyprus, Latvia, Lithuania, Hungary, Malta, Poland and Slovakia.

In its first report, the Commission recognised the US commitment at the highest political level to the VWP (Visa Waiver Program) roadmap process. Considering the reaction of Member States and the realities of US visa policy, the Commission believes that the VWP roadmap process could be an adequate means for ensuring visa exemption for all EU citizens in the medium term and is willing to endorse this approach.

However, to make this approach fully effective, greater specificity and consistency is needed in setting goals and measurements in these roadmaps. This has been accepted by the US administration within the framework of the Joint EU-US Work Programme of November 2005 in view of the implementation of the economic initiative of the June 2005 EU-US Summit: one of the objectives is to “establish clear and comprehensive Country Road Map processes for all non-Visa Waiver Program EU Member States providing a pathway for non-VWP EU Member States to meet the requirements and to join the US VWP”.

Steps taken to achieve reciprocity

Since this first meeting, several meetings have taken place between the United States and the Member States concerned as well as between the United States and the Commission, notably at the EU-US Summit in Vienna on 21 June. However, there are as yet no signs of tangible progress:

- the roadmaps have not been modified to make them more comprehensive and country-specific, with appropriate benchmarks and a timetable;
- unallayed concerns remain regarding the data used to support the US position, in particular with regard to overstay and visa refusal rates; although the criteria established by Congress are acceptable, the manner in which they are applied is not: visa refusal rates are, by definition, a matter for the United States consular authorities; yet the Member States concerned receive no information on the reasons for refusing visas; on the subject of overstay rates, the United States does not currently possess a system for recording entries and exits from its territory and therefore has no reliable factual data;
- the US authorities are not prepared to consider facilitations in the procedure for issuing visas (e.g. in relation to the amount of the fee paid as a transitional measure). However, according to unofficial information that reached the Commission recently, it would appear that the US authorities are considering the possibility of allowing Member State nationals to submit their visa applications via the internet.

It should be noted that an amendment was lodged during a debate in Congress on the new immigration law that would allow the Visa Waiver Program to be extended to certain Member States, subject to certain conditions being met. It is too early to judge the chances of the amendment becoming law. However, this initiative would not solve the question of extension of VWP.

In addition, in a letter to the Commission dated 17 August 2006, the US authorities explained that they:

"...reemphasize that membership in the VWP is predicated on compliance with an array of statutorily established requirements that may need clarification, but cannot be waived or suspended. At present, none of the non-VWP EU Member States meets all the statutory criteria for designation in the program. Such criteria include, among others, a rate of refusals on applications for non-immigrant visitor visas of less than 3 percent, the issuance of biometric passports, and the timely reporting of lost and stolen passports to the U.S. Government.

We believe the roadmap process is progressing as intended as a key instrument of shared information and constructive cooperation between the United States and the EU Member States actively seeking admission to the VWP. The roadmap process has already yielded improvements in terms of greater awareness of the indicators - for example, visa overstays - that impact a country's VWP eligibility. Moreover, the bilateral working groups tasked with the implementation of the roadmaps have now received and discussed issue-specific guidance on areas such as document integrity and security, and naturalization, citizenship, and residency issues that will be subject to evaluation in any future review for initial designation in the VWP. Additional guidance on critical issues impacting U.S. homeland security interests - border controls, lost and stolen passports, and cooperation on law enforcement and security issues - is forthcoming.

We respectfully ask that the Commission take note of the progress achieved to date by the roadmap process and convey to the Member States seeking VWP status DHS's commitment to continue to provide to each of them advice and technical assistance on the program's objectives, requirements, and evaluation criteria."

Assessment

It therefore appears that there is no solution in sight to the non-reciprocity situations concerned. No results-oriented dialogue has yet begun. The message conveyed in the letter of 17 August is no more than confirmation of an undertaking already given in the first report. The possibility of allowing nationals of a Member State to submit visa applications via the internet could be a new factor not hitherto mentioned by the US authorities in their contacts with the Commission. It remains to be seen whether this measure is actually put into practice. In any case, as it appears to be envisaged, it would not alter the Commission's assessment of the current situation.

In the light of the above, the Commission believes that appropriate steps vis à vis the United States could be envisaged, for example, temporarily restoring the visa requirement for US nationals holding diplomatic and duty/official passports, in order to expedite progress towards reciprocity.

III. CONCLUSION

The Commission considers that the dialogue with third countries under the new reciprocity mechanism has already proven effective. The steady and significant fall in the number of “non-reciprocity situations” (cases where a third country maintains a visa requirement for nationals of a Member State) is a remarkable success in the Commission's opinion⁵.

However, progress remains stalled with one third country (United States) while the situation is evolving with regard to Australia, Canada and Brunei. The future developments with these countries will determine the reflection on the appropriate approach that would allow for further and concrete progress towards the realisation of reciprocity.

In view of the importance of achieving full reciprocity, the Commission hereby announces its intention to report to the European Parliament and Council again by not later than 31 March 2007 and to make, where appropriate, concrete proposals if the non-reciprocity situations persist, although formally, under Article 1(5) of the EC Regulation, it is not obliged to present such a report until 30 June 2008.

⁵ See Annexes 1A and 1B of the report on reciprocity of 10.1.2006.