EUROPEAN UNION

THE EUROPEAN PARLIAMENT **THE COUNCIL**

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LEGISLATIVE ACTS AND OTHER INSTRUMENTS

Subject:	REGULATION OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL amending Regulation (EU) 2018/1806 as regards the revision of the suspension mechanism

REGULATION (EU) 2025/…
OF THE EUROPEAN PARLIAMENT AND OF THE COUNCIL

of …

amending Regulation (EU) 2018/1806
as regards the revision of the suspension mechanism

THE EUROPEAN PARLIAMENT AND THE COUNCIL OF THE EUROPEAN UNION,

Having regard to the Treaty on the Functioning of the European Union, and in particular Article 77(2), point (a), thereof,

Having regard to the proposal from the European Commission,

After transmission of the draft legislative act to the national parliaments,

Acting in accordance with the ordinary legislative procedure[1],

[1] Position of the European Parliament of 7 October 2025 (not yet published in the Official Journal) and decision of the Council of …

Whereas:

(1) Regulation (EU) 2018/1806 of the European Parliament and of the Council[2] lists the third countries whose nationals are to be in possession of a visa when crossing the external borders of the Member States (the 'visa requirement') and those whose nationals are exempt from the visa requirement for stays of no more than 90 days in any 180-day period (the 'visa exemption').

(2) Visa-free travel brings significant benefits to the Union and third countries alike. Economic, social and cultural relations with third countries create prosperity and promote internationally the open and free nature of the Union as an area of freedom, security and justice. The Union's common visa policy, in that regard, is a cornerstone of its engagement with third countries. At the same time, the evolving geopolitical context has brought new challenges linked to visa-free travel. In order to address those new challenges and a wider range of irregular migration, public policy and security risks arising from the third countries listed in Annex II to Regulation (EU) 2018/1806 ('visa-exempt third countries'), the mechanism for the temporary suspension of the visa exemption for the nationals of a visa-exempt third country (the 'suspension mechanism') should be strengthened and made more efficient.

[2] Regulation (EU) 2018/1806 of the European Parliament and of the Council of 14 November 2018 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 303, 28.11.2018, p. 39, ELI: http://data.europa.eu/eli/reg/2018/1806/oj).

(3) The use of the suspension mechanism should be facilitated, in particular, by broadening the possible grounds for triggering it, adapting the relevant thresholds and procedures and strengthening the Commission's monitoring and reporting obligations.

(4) The Union has concluded a number of short-stay visa waiver agreements with visa-exempt third countries and might conclude further such agreements in the future. Where the suspension mechanism is triggered with regard to a third country with which the Union has concluded such an agreement, it should be applied without prejudice to the relevant provisions on the grounds for suspension and the procedures set out in the agreement concerned. Accordingly, in order for the suspension of the visa exemption under Union law to take effect in compliance with the Union's international obligations, the application of the relevant agreement must be suspended in parallel by means of a Council decision.

(5) Due to a need to ensure an immediate and appropriate response to hybrid threats that is in line with Union law and the Union's international obligations, it should be possible to trigger the suspension mechanism where there are risks or threats to the public policy or internal security of Member States arising from hybrid threats such as situations of state sponsored instrumentalisation of migrants, as referred to in Regulation (EU) 2024/1359 of the European Parliament and of the Council[3], which aim to destabilise or undermine society and key institutions.

[3] Regulation (EU) 2024/1359 of the European Parliament and of the Council of 14 May 2024 addressing situations of crisis and force majeure in the field of migration and asylum and amending Regulation (EU) 2021/1147 (OJ L, 2024/1359, 22.5.2024, ELI: http://data.europa.eu/eli/reg/2024/1359/oj).

(6) It is essential to be able to fully trust the travel, identity and breeder documents issued by visa-exempt third countries. It is also essential that such documents cannot be easily falsified or counterfeited. As deficiencies of a systemic nature in the document security law or procedures of visa-exempt third countries could lead to risks or threats to the public policy or internal security of Member States, it should be possible to trigger the suspension mechanism on that ground.

(7) Investor citizenship schemes operated by visa-exempt third countries enable third-country nationals who would otherwise be subject to the visa requirement to travel visa free to the Union. Under an investor citizenship scheme, citizenship is granted to a person in return for pre-determined payments or investments without that person having any genuine link to the third country concerned. While the Union respects the right of sovereign countries to decide on their own naturalisation procedures, visa-exempt third countries should be deterred from using visa-free access to the Union as a tool for leveraging individual investment in return for citizenship. In addition, a lack of comprehensive security checks, vetting procedures and due diligence by such third countries with regard to investor citizenship schemes poses several serious security risks for Union citizens, such as those stemming from money laundering and corruption. To prevent visa-free access to the Union being used for that purpose, it should be possible to suspend the visa exemption for a third country which chooses to operate investor citizenship schemes under which citizenship is granted to a person without that person having any genuine link to that third country.

(8) A visa policy of a visa-exempt third country that is not aligned with the visa policy of the Union as regards the list of visa-exempt third countries could result in irregular migration to the Union, in particular where the third country concerned is in close geographic proximity to the Union. Therefore, it should be possible to trigger the suspension mechanism where, following an assessment, the Commission concludes that such non-alignment of a third country's visa policy could lead to a substantial increase in the number of nationals of other third countries who arrive legally on the territory of that third country and then irregularly enter the territory of the Member States.

(9) Regulation (EU) 2018/1806 determines the third countries whose nationals are subject to, or exempt from, the visa requirement. Some of the criteria used to assess the appropriateness of granting a visa exemption are reflected in the grounds for suspension in other provisions of that Regulation, thereby ensuring a link between the criteria for granting a visa exemption and the grounds for suspension. The suspension mechanism as revised by this Regulation should therefore also provide for the possibility of suspending the visa exemption where there is a deterioration in the Union's external relations with a visa-exempt third country caused by serious breaches of the principles set out in the Charter of the United Nations, grave violations of fundamental freedoms or of the obligations deriving from international human rights law or international humanitarian law, serious breaches of international law and international legal standards, non-compliance with international court decisions and rulings or hostile acts carried out against the Union or Member States with the aim of destabilising or undermining society or institutions which are key for the public policy and internal security of the Union or Member States. Such hostile acts could result from foreign interference in political processes, economic coercion, cyber operations, economic espionage or the sabotage of critical infrastructure. Moreover, given that the external relations of the Union will be affected as a whole, it should be the exclusive prerogative of the Commission to trigger the suspension mechanism, after consulting the Member States, on the ground of a deterioration in the Union's external relations with a visa-exempt third country. Additionally, where the Commission considers suspending the visa exemption on that ground, it should take into account, in its assessment, the potential impact of the suspension on the nationals of the third country concerned.

(10) Short-stay visa waiver agreements concluded with visa-exempt third countries might include grounds for suspension which are different to those set out in the suspension mechanism. Consequently, it should also be possible to trigger the suspension mechanism on the basis of those grounds. However, the use of the grounds for suspension set out in short-stay visa waiver agreements should be limited to the scope of application of those agreements.

(11) The Commission should assess, on a case-by-case basis, the thresholds for triggering the suspension mechanism in the event of a substantial increase in the number of nationals of a visa-exempt third country refused entry to the Member State's territory or found to be staying in the Member State's territory without a right to do so, in the number of asylum applications from the nationals of a visa-exempt third country for which the recognition rate is low or in the number of serious criminal offences linked to the nationals of a visa-exempt third country. In particular, the Commission should be able to assess whether, in the cases notified by Member States or on the basis of its own analysis, there are specific circumstances which would justify the application of lower or higher thresholds than those indicated in the relevant provisions of Regulation (EU) 2018/1806. In its assessment, the Commission should take into account, inter alia, the number of unauthorised crossings of the external borders of the Member States, the number of unfounded asylum applications or the number of criminal offences linked to the nationals of a visa-exempt third country in proportion to the number and size of Member States affected and the impact of those numbers on the overall migratory situation, the functioning of asylum systems or the internal security of the Member States affected. The Commission should also take into account actions taken by the third country concerned to remedy the situation. The Commission should thoroughly assess the necessity, proportionality and consequences of a suspension of the visa exemption before adopting the relevant legal act.

(12) For the purpose of notifying the Commission of circumstances that might amount to a ground for suspension, Member States should be able to take into account reference periods longer than two months in order to identify not only sudden changes in the relevant situation, but also longer-term trends, up to 12 months, that might justify the triggering of the suspension mechanism.

(13) Whenever it considers it necessary, or at the request of the European Parliament or the Council, the Commission should report to the European Parliament and to the Council on the outcome of its systematic monitoring of the visa exemption in relation to all visa-exempt third countries, on the basis, inter alia, of data from Union information systems, such as the Entry/Exit System, established by Regulation (EU) 2017/2226 of the European Parliament and of the Council[4], and the European Travel Information and Authorisation System, established by Regulation (EU) 2018/1240 of the European Parliament and of the Council[5], and from Union bodies, offices and agencies. Such reports should focus on those visa-exempt third countries which, according to the Commission's analysis, no longer meet the criteria for granting a visa exemption under Regulation (EU) 2018/1806 that are relevant for the grounds for suspension or on those visa-exempt third countries which present specific problems that, if not addressed, could lead to a triggering of the suspension mechanism. In particular, it is appropriate that the Commission consider reporting on third countries which have been newly listed in Annex II to Regulation (EU) 2018/1806 without engaging in a visa liberalisation dialogue with the Union, where it considers it necessary and, in particular, in the first years following the entry into force of the legal act providing for the visa exemption for such a third country.

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4 Regulation (EU) 2017/2226 of the European Parliament and of the Council of 30 November 2017 establishing an Entry/Exit System (EES) to register entry and exit data and refusal of entry data of third-country nationals crossing the external borders of the Member States and determining the conditions for access to the EES for law enforcement purposes, and amending the Convention implementing the Schengen Agreement and Regulations (EC) No 767/2008 and (EU) No 1077/2011 (OJ L 327, 9.12.2017, p. 20, ELI: http://data.europa.eu/eli/reg/2017/2226/oj).

5 Regulation (EU) 2018/1240 of the European Parliament and of the Council of 12 September 2018 establishing a European Travel Information and Authorisation System (ETIAS) and amending Regulations (EU) No 1077/2011, (EU) No 515/2014, (EU) 2016/399, (EU) 2016/1624 and (EU) 2017/2226 (OJ L 236, 19.9.2018, p. 1, ELI: http://data.europa.eu/eli/reg/2018/1240/oj).

(14) Where the suspension mechanism is triggered on the grounds that a visa-exempt third country with which a visa liberalisation dialogue has been successfully concluded has not complied with the specific requirements on external relations or fundamental rights which were used to assess the appropriateness of granting its nationals a visa exemption or on the grounds that there has been a deterioration in the Union's external relations with that visa-exempt third country, the Commission should favour a targeted approach. Under such an approach, the Commission should apply the suspension first and foremost to individuals holding positions of responsibility, such as members of that third country's official delegations, members of that third country's local, regional and national governments, members of that third country's parliaments or high-ranking public or military officials of that third country, thereby minimising adverse consequences for the general population of that third country. The Commission should continuously monitor whether the triggering of the suspension mechanism has achieved the intended result and regularly report thereon to the European Parliament and to the Council.

(15) Where a decision to temporarily suspend the visa exemption has been taken on the grounds that a visa-exempt third country with which a visa liberalisation dialogue has been successfully concluded has not complied with the specific requirements on external relations or fundamental rights which were used to assess the appropriateness of granting a visa exemption or on the grounds that there has been a deterioration in the Union's external relations with that visa-exempt third country, and that decision targets categories of nationals of that third country in positions of responsibility, the Member States should take all necessary steps not to provide for exceptions from the temporary visa requirement for the entire duration of the temporary suspension.

(16) Where the Commission considers suspending a visa exemption on the basis of its own analysis or following a notification by a Member State, it should take into account, in its assessment, the impact of the suspension on civil society in the third country concerned, in particular where the human rights situation in that third country has deteriorated.

(17) Where a decision to temporarily suspend the visa exemption for a third country has been taken, there should be an adequate timeframe for an enhanced dialogue between the Commission and the third country concerned, which aims to remedy the circumstances that led to the suspension. For that purpose, the duration of a temporary suspension, adopted by means of an implementing act, should be 12 months, with a possibility to extend it by a further 24 months by means of a delegated act. When adopting such a delegated act, it is important that the Commission explain in detail the outcome of the enhanced dialogue with the third country concerned, the measures adopted by that third country and by the Member States concerned and the reasons for considering that the circumstances leading to the temporary suspension have not been remedied. Where no solution is found before the end of the period of application of the delegated act and the Commission presents a legislative proposal to transfer the reference to the third country concerned from Annex II to Annex I of Regulation (EU) 2018/1806, the Commission should adopt a delegated act extending the temporary suspension until the entry into force of the adopted legislative proposal. However, that extension should not be longer than 24 months.

(18) Where an implementing act temporarily suspending the visa exemption for nationals of a third country is adopted on the grounds that that third country, whose nationals have been exempted from the visa requirement as a result of the successful conclusion of a visa liberalisation dialogue, has not complied with the specific requirements on external relations or fundamental rights which were used to assess the appropriateness of granting its nationals a visa exemption or on the grounds that there has been a deterioration in the Union's external relations with that third country, and those circumstances persist, the Commission should be able to decide that the delegated act extending the suspension applies only to certain categories of third-country nationals, taking into account the specific circumstances of the case and the principle of proportionality. Where no solution is found before the end of the period of application of that delegated act, the Commission should reassess the situation and should be able to decide to further extend the suspension by means of a further delegated act applying to designated categories of third-country nationals.

(19) Where duly justified by the urgency of the matter, for example to prevent a mass influx of third-country nationals arriving irregularly in the territory of the Member States or a serious damage to the public policy or internal security of Member States, the chair of the committee established pursuant to Regulation (EU) 2018/1806 to assist the Commission should consider shortening the time period for convening a meeting of the committee and making use of the written procedure as provided for by Regulation (EU) No 182/2011 of the European Parliament and of the Council[6] as that would make it possible for that committee to deliver its opinion faster than would otherwise be the case.

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[6] 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, ELI: http://data.europa.eu/eli/reg/2011/182/oj).

(20) A temporary suspension of the visa exemption should be lifted whenever the circumstances that led to it are remedied before the end of the period of the suspension. To that end, the Commission should adopt an implementing act before the end of the period of suspension where that period is set out in an implementing act or a delegated act before the end of the period of suspension where that period is set out in a delegated act.

(21) This Regulation constitutes a development of the provisions of the Schengen *acquis* in which Ireland does not take part, in accordance with Council Decision 2002/192/EC[7]; Ireland is therefore not taking part in the adoption of this Regulation and is not bound by it or subject to its application.

(22) As regards Iceland and Norway, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the latters' association with the implementation, application and development of the Schengen *acquis*[8], which fall within the area referred to in Article 1, points B and C, of Council Decision 1999/437/EC[9].

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7 Council Decision 2002/192/EC of 28 February 2002 concerning Ireland's request to take part in some of the provisions of the Schengen *acquis* (OJ L 64, 7.3.2002, p. 20, ELI: http://data.europa.eu/eli/dec/2002/192/oj).

8 OJ L 176, 10.7.1999, p. 36, ELI: http://data.europa.eu/eli/agree_internation/1999/439(1)/oj.

9 Council Decision 1999/437/EC of 17 May 1999 on certain arrangements for the application of the Agreement concluded by the Council of the European Union and the Republic of Iceland and the Kingdom of Norway concerning the association of those two States with the implementation, application and development of the Schengen *acquis* (OJ L 176, 10.7.1999, p. 31, ELI: http://data.europa.eu/eli/dec/1999/437/oj).

(23) As regards Switzerland, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*[10], which fall within the area referred to in Article 1, points B and C, of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2008/146/EC[11].

(24) As regards Liechtenstein, this Regulation constitutes a development of the provisions of the Schengen *acquis* within the meaning of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*[12], which fall within the area referred to in Article 1, points B and C, of Decision 1999/437/EC, read in conjunction with Article 3 of Council Decision 2011/350/EU[13].

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10 OJ L 53, 27.2.2008, p. 52.

11 Council Decision 2008/146/EC of 28 January 2008 on the conclusion, on behalf of the European Community, of the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis* (OJ L 53, 27.2.2008, p. 1, ELI: http://data.europa.eu/eli/dec/2008/146/oj).

12 OJ L 160, 18.6.2011, p. 21, ELI: http://data.europa.eu/eli/prot/2011/350/oj.

13 Council Decision 2011/350/EU of 7 March 2011 on the conclusion, on behalf of the European Union, of the Protocol between the European Union, the European Community, the Swiss Confederation and the Principality of Liechtenstein on the accession of the Principality of Liechtenstein to the Agreement between the European Union, the European Community and the Swiss Confederation on the Swiss Confederation's association with the implementation, application and development of the Schengen *acquis*, relating to the abolition of checks at internal borders and movement of persons (OJ L 160, 18.6.2011, p. 19, ELI: http://data.europa.eu/eli/dec/2011/350/oj).

(25) As regards Cyprus, this Regulation constitutes an act building upon, or otherwise relating to, the Schengen *acquis* within the meaning of Article 3(1) of the 2003 Act of Accession,

HAVE ADOPTED THIS REGULATION:

Article 1

Regulation (EU) 2018/1806 is amended as follows:

(1) Article 8 is replaced by the following:

‘*Article 8*

1. By way of derogation from Article 4, the exemption from the visa requirement for nationals of a third country listed in Annex II may be temporarily suspended, based on relevant and objective data, in accordance with the conditions and procedures set out in Articles 8a to 8f (the ‘suspension mechanism’).

   The suspension mechanism may be triggered by a notification of a Member State to the Commission in accordance with Article 8b or on the basis of the Commission’s own analysis in accordance with Article 8c.

2. Where a short-stay visa waiver agreement between the Union and a third country listed in Annex II has been concluded, Articles 8a, 8e and 8f of this Regulation shall apply without prejudice to the relevant provisions on grounds for suspension and procedures set out in that agreement.’;

(2) the following articles are inserted:

‘*Article 8a*

1. The suspension mechanism may be triggered on the basis of any of the following grounds:

(a) a substantial increase in the number of nationals of a third country listed in Annex II refused entry to a Member State’s territory or found to be staying in a Member State’s territory without a right to do so;

(b) a substantial increase in the number of asylum applications from the nationals of a third country listed in Annex II for which the recognition rate is low;

(c) a decrease in cooperation on readmission with a third country listed in Annex II or other cases of non-cooperation on readmission;

(d) a significant risk or imminent threat to the public policy or internal security of Member States related to a third country listed in Annex II, in particular where it derives from any of the following:

(i) a substantial increase in serious criminal offences, linked to the nationals of that third country, substantiated by objective, concrete and relevant information and data provided by the competent authorities;

(ii) hybrid threats;

(iii) systemic deficiencies in document security law or procedures;

(e) the operation, by a third country listed in Annex II, of an investor citizenship scheme under which citizenship is granted to a person, in exchange for pre-determined payments or investments, without that person having any genuine link to that third country;

(f) the non-alignment of the visa policy of a third country listed in Annex II with the visa policy of the Union which, in particular because of the geographic proximity of that third country to the Union, could lead to a substantial increase in the number of nationals of other third countries irregularly entering the territory of the Member States after having stayed on, or transited through, the territory of that third country;

(g) in relation to third countries listed in Annex II as a result of the successful conclusion of a visa liberalisation dialogue with the Union, non-compliance by such a third country with the specific requirements, based on Article 1, which were used to assess the appropriateness of granting its nationals an exemption from the visa requirement;

(h) a deterioration in the Union's external relations with a third country listed in Annex II caused by:

(i) serious breaches by that third country of the principles set out in the Charter of the United Nations;

(ii) grave violations by that third country of fundamental freedoms or of the obligations deriving from international human rights law or international humanitarian law;

(iii) serious breaches by that third country of international law and international legal standards;

(iv) non-compliance by that third country with international court decisions and rulings; or

(v) that third country carrying out hostile acts against the Union or Member States with the aim of destabilising or undermining society or institutions which are key for the public policy and internal security of the Union or Member States;

(i) any other ground for suspension set out in a short-stay visa waiver agreement between the Union and a third country listed in Annex II, limited to the scope of application of the agreement concerned.

2. For the purposes of paragraph 1, points (a), (b) and (d)(i), and paragraph 4 of this Article, a substantial increase shall be understood to mean an increase exceeding a threshold of 30 %, unless the Commission concludes, on the basis of its examination pursuant to Article 8b(5) or of its analysis as referred to in Article 8c(2), that a different threshold is applicable in the particular case. The Commission shall duly justify any such conclusion.

By … [36 months after the date of entry into force of this amending Regulation], the Commission shall assess how the threshold set out in the first subparagraph has been implemented and shall present the results of that assessment to the European Parliament and to the Council. The assessment shall focus, in particular, on whether the threshold is relevant for the purposes of the suspension mechanism.

3. For the purposes of paragraph 1, point (b), of this Article, a low recognition rate shall be understood to mean a recognition rate of asylum applications of less than 20 %, unless the Commission concludes, on the basis of its examination pursuant to Article 8b(5) or its analysis as referred to in Article 8c(2), that a different recognition rate is applicable in the particular case. The Commission shall duly justify any such conclusion.

4. For the purposes of paragraph 1, point (c), a decrease in cooperation on readmission with a third country listed in Annex II shall be understood to mean a substantial increase, substantiated by adequate data, in the refusal rate of readmission applications submitted by a 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.

5. For the purposes of paragraph 1, point (c), the following may be considered as other cases of non-cooperation on readmission:

   (a) refusing or failing to process readmission applications in a timely manner, including by failing to assist in identifying third-country nationals for whom a Member State has submitted readmission applications or otherwise creating persisting practical obstacles regarding the enforcement of returns;

(b) failing to issue travel documents in a timely manner for the purpose of returning third-country nationals within the deadlines set out in a readmission agreement with a third country listed in Annex II or refusing to accept European travel documents issued following the expiry of the deadlines set out in such a readmission agreement;

(c) terminating or suspending a readmission agreement concluded between the Union and a third country listed in Annex II.

Article 8b

1. A Member State may notify the Commission where, over a period of between 2 and 12 months, compared with either the same period in the preceding year or the last two months prior to the date of application of the exemption from the visa requirement for nationals of a third country listed in Annex II, one or more of the circumstances amounting to the grounds for suspension set out in Article 8a(1), points (a), (b), (c) and (d)(i), exist in relation to that Member State.

2. A Member State may notify the Commission of the existence of one or more of the circumstances amounting to the grounds for suspension set out in Article 8a(1), points (d)(ii) and (iii), (e), (f) and (i).

3. Notifications as referred to in paragraphs 1 and 2 of this Article shall state the reasons on which they are based. Where applicable, such notifications 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 circumstances giving rise to the notification. A Member State may specify in its notification the categories of nationals of the third country concerned which are to be covered by an implementing act adopted pursuant to Article 8e(1), setting out the detailed reasons for doing so.

4. The Commission shall immediately inform the European Parliament and the Council of any notification received pursuant to paragraph 1 or 2.

5. The Commission shall examine, without delay, any notification made pursuant to paragraph 1 or 2 of this Article, taking into account:

   (a) whether any of the circumstances amounting to the grounds for suspension set out in Article 8a(1), point (a), (b), (c), (d), (e), (f) or (i), exist;

   (b) the number of Member States affected by any of those circumstances;

   (c) the overall impact of those circumstances on the migratory situation in the Union as it appears from the data provided by the Member States or available to the Commission;

(d) reports prepared by the European Border and Coast Guard, established by Regulation (EU) 2019/1896 of the European Parliament and of the Council[*], the European Union Agency for Asylum, established by Regulation (EU) 2021/2303 of the European Parliament and of the Council[**], the European Union Agency for Law Enforcement Cooperation (Europol), established by Regulation (EU) 2016/794 of the European Parliament and of the Council[***], or any other relevant institution, body, office or agency of the Union or international organisation, if the circumstances so require in the specific case;

(e) any information which a Member State has provided in its notification in relation to possible measures under Article 8e(1);

(f) the overall question of public policy and internal security, in consultation with the Member State concerned.

6. As part of its examination pursuant to paragraph 5, the Commission shall assess the necessity, proportionality and consequences of a suspension of the exemption from the visa requirement.

7. The Commission shall inform the European Parliament and the Council of the results of its examination pursuant to paragraph 5.

Article 8c

1. The Commission shall monitor, on a regular basis, whether the circumstances amounting to the grounds for suspension set out in Article 8a(1) exist.

   In particular, the Commission shall also monitor whether the third countries listed in Annex II as a result of the successful conclusion of a visa liberalisation dialogue with the Union continue to comply with the specific requirements, based on Article 1, which were used to assess the appropriateness of granting their nationals an exemption from the visa requirement.

2. The Commission shall inform the European Parliament and the Council where, after having analysed relevant data, reports and statistics, including data, reports and statistics from any relevant Union institution, body, office or agency, it has concrete and reliable information on the existence of any of the circumstances amounting to the grounds for suspension set out in Article 8a(1). The Commission shall then take the necessary measures in accordance with Articles 8e and 8f.

Article 8d

1. The Commission shall report to the European Parliament and to the Council on the monitoring conducted pursuant to Article 8c(1) in relation to the third countries listed in Annex II as a result of the successful conclusion of a visa liberalisation dialogue with the Union. That reporting shall take place at least once a year and for a period of seven years from the date of entry into force of the legal act exempting the nationals of the third country concerned from the visa requirement. After that period, the Commission shall report to the European Parliament and to the Council on the monitoring whenever it considers it necessary or at the request of the European Parliament or the Council. Such reports shall focus on the third countries which the Commission considers, based on concrete and reliable information, as no longer complying with certain specific requirements, based on Article 1, which were used to assess the appropriateness of granting their nationals an exemption from the visa requirement.

2. In addition to the reporting obligations provided for in paragraph 1 of this Article, whenever it considers it necessary or at the request of the European Parliament or the Council, the Commission shall report to the European Parliament and to the Council on the monitoring conducted pursuant to Article 8c(1) in relation to other third countries listed in Annex II.

Article 8e

1. The Commission shall adopt an implementing act suspending for a period of 12 months the exemption from the visa requirement for the nationals of a third country where:

   (a) it has decided, on the basis of its examination pursuant to Article 8b(5) or of its analysis as referred to in Article 8c(2), that such action is necessary; or

   (b) a simple majority of Member States has notified the Commission of the existence of the circumstances amounting to the grounds for suspension set out in Article 8a(1), point (a), (b), (c), (d), (e), (f) or (i).

2. In coming to a decision as referred to in point (a) of paragraph 1, the Commission shall:

   (a) work together in close cooperation with the third country concerned to find alternative long-term solutions in respect of the relevant circumstance or circumstances amounting to the grounds for suspension set out in Article 8a(1);

   (b) take into account the political context, the economic matters at stake and the consequences of a suspension of the exemption from the visa requirement for the overall external relations of the Union and the Member States with the third country concerned; and

(c) take into account the consequences of a suspension of the exemption from the visa requirement on civil society in the third country concerned, in particular where the human rights situation in that third country has deteriorated.

3. The suspension provided for in an implementing act adopted pursuant to paragraph 1 of this Article 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 deciding to which categories the suspension is to apply, the Commission shall, based on the information available, include categories that are broad enough in order to efficiently contribute to remedying the circumstances that led to the suspension, while respecting the principle of proportionality and non-discrimination in line with Article 21 of the Charter of Fundamental Rights of the European Union. Implementing acts adopted pursuant to paragraph 1 of this Article shall fix the date on which the suspension of the exemption from the visa requirement is to take effect.

4. The Commission shall submit a draft of an implementing act as referred to in paragraph 1 of this Article to the committee referred to in Article 11(1):

(a) within one month of:

(i) receiving a notification by a Member State pursuant to Article 8b(1);

(ii) informing the European Parliament and the Council of its analysis as referred to in Article 8c(2); or

(iii) receiving a notification from a simple majority of Member States of the existence of the circumstances amounting to the grounds set out in Article 8a(1), point (a), (b), (c), (d),(e), (f) or (i);

(b) within two months of receiving a notification by a Member State pursuant to Article 8b(2).

Implementing acts as referred to in paragraph 1 of this Article shall be adopted in accordance with the examination procedure referred to in Article 11(2).

5. By way of derogation from paragraphs 1 to 4 of this Article, Article 8b and Article 8c(2),where justified by the urgency of the matter, the Commission shall, where it has concrete and reliable information on the existence of any of the circumstances amounting to the grounds for suspension set out in Article 8a(1) and decides that swift action is needed, adopt an implementing act temporarily suspending the exemption from the visa requirement for all or certain categories of nationals of the third country concerned for a period of 12 months. Such implementing acts shall fix the date on which the suspension of the exemption from the visa requirement is to take effect.

Implementing acts as referred to in the first subparagraph of this paragraph shall be adopted in accordance with the examination procedure referred to in Article 11(2). The chair of the committee provided for in Article 11(1) shall consider shortening the time to convene a meeting of the committee as referred to in Article 3(3), second subparagraph, of Regulation (EU) No 182/2011 and making use of the written procedure referred to in Article 3(5) of that Regulation.

6. Without prejudice to Article 6, during the period of suspension, the categories of nationals of the third country covered by an implementing act adopted pursuant to paragraph 1 or 5 of this Article shall be required to be in possession of a visa when crossing the external borders of the Member States.

7. Where the Commission has adopted an implementing act under paragraph 1 or 5 of this Article on the ground for suspension set out in Article 8a(1), point (g), as regards non-compliance with specific requirements on external relations or fundamental rights, or on the ground set out in Article 8a(1), point (h), temporarily suspending the exemption from the visa requirement for nationals of a third country who hold diplomatic passports, service/official passports or special passports, the Member States shall not provide for new exceptions from the visa requirement pursuant to Article 6(1), point (a). Member States that have bilateral agreements with the third country concerned shall take the necessary steps not to apply exceptions adopted pursuant to Article 6(1), point (a).

8. Without prejudice to paragraph 7 of this Article, a Member State which, pursuant to Article 6, takes measures providing for new exceptions from the visa requirement for a category of nationals of the third country covered by an implementing act adopted pursuant to paragraph 1 or 5 of this Article shall communicate those measures in accordance with Article 12.

9. 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. The Commission shall inform the European Parliament and the Council of the progress and outcome of the dialogue and of the effectiveness of the suspension.

10. Where the circumstances that led to the temporary suspension of the exemption from the visa requirement are remedied before the end of the period of application of the implementing act adopted pursuant to paragraph 1 or 5 of this Article, the Commission shall adopt an implementing act to lift the temporary suspension in accordance with the examination procedure referred to in Article 11(2).

Article 8f

1. Where the circumstances amounting to the relevant grounds for suspension set out in Article 8a(1) persist with regard to a third country whose nationals are covered by an implementing act adopted pursuant to Article 8e(1) or (5), the Commission shall adopt, at the latest two months before the expiry of the 12-month suspension period provided for by the implementing act, a delegated act in accordance with Article 10 in order to amend Annex II to temporarily suspend the application of that Annex for a period of 24 months for all nationals of that third country.

2. By way of derogation from paragraph 1 of this Article, where the implementing act referred to in Article 8e(1) or (5) covering the nationals of the third country concerned was adopted on the ground set out in Article 8a(1), point (g), as regards non-compliance with specific requirements on external relations or fundamental rights, or on the ground set out in Article 8a(1), point (h), the Commission may, by means of a delegated act as referred to in paragraph 1 of this Article , temporarily suspend the application of Annex II for a period of 24 months for certain categories of nationals of that third country, designated in accordance with the principles laid down in Article 8e(3).

3. The amendment referred to in paragraph 1 shall be made by inserting a footnote next to the name of the third country concerned indicating that the exemption from the visa requirement is suspended with regard to that third country and specifying the period of the suspension and, where applicable, the designated categories of nationals of that third country to whom the suspension applies. The delegated act shall take effect from the end of the period of application of the relevant implementing act referred to in Article 8e(1) or (5).

   Article 8e(7) shall apply *mutatis mutandis*.

4. Without prejudice to Article 6 and the second subparagraph of paragraph 3 of this Article, during the period of suspension, the nationals of the third country covered by a delegated act adopted pursuant to paragraph 1 of this Article shall be required to be in possession of a visa when crossing the external borders of the Member States.

5. Without prejudice to Article 8e(7), a Member State which, pursuant to Article 6, takes measures providing for new exceptions to the visa requirement for a category of nationals of the third country covered by a delegated act adopted pursuant to paragraph 1 of this Article shall communicate those measures in accordance with Article 12.

6. Before the end of the period of application of a delegated act adopted pursuant to paragraph 1, the Commission shall submit a report to the European Parliament and to the Council on the temporary application of the suspension of the exemption from the visa requirement, on the dialogue between the Commission and the third country concerned and on the measures taken to remedy the circumstances that led to the temporary suspension of the visa exemption.

Reports as referred to in the first subparagraph may be accompanied by a legislative proposal to amend this Regulation in order to transfer the reference to the third country concerned from Annex II to Annex I. In that case, the Commission shall adopt a delegated act in accordance with Article 10 in order to amend Annex II to extend the period of suspension of the exemption from the visa requirement set by the delegated act adopted pursuant to paragraph 1 of this Article until the entry into force of the amendment transferring the reference to the third country concerned to Annex I. That extension shall not exceed a period of 24 months. The footnote accompanying the reference shall be amended accordingly.

Where, on the grounds of the persisting nature of the circumstances amounting to grounds for suspension set out in Article 8a(1), point (g), as regards non-compliance with specific requirements on external relations or fundamental rights, or of the circumstances amounting to grounds for suspension set out in Article 8a(1), point (h), a delegated act adopted pursuant to paragraph 1 of this Article was applied pursuant to paragraph 2 of this Article to nationals of a third country who hold diplomatic passports, service/official passports or special passports, the Commission may indicate in the report related to that delegated act that there is a need to adopt a further delegated act in order to extend the period of suspension by another period of 24 months. In that case, the first and second subparagraphs of this paragraph shall apply *mutatis mutandis*.

7. Where the circumstances that led to the temporary suspension of the exemption from the visa requirement are remedied before the end of the period of application of a delegated act adopted pursuant to paragraph 1 or 5 of this Article, the Commission shall adopt a delegated act in accordance with Article 10 in order to amend Annex II to lift the temporary suspension.

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* Regulation (EU) 2019/1896 of the European Parliament and of the Council of 13 November 2019 on the European Border and Coast Guard and repealing Regulations (EU) No 1052/2013 and (EU) 2016/1624 (OJ L 295, 14.11.2019, p. 1, ELI: http://data.europa.eu/eli/reg/2019/1896/oj).

** Regulation (EU) 2021/2303 of the European Parliament and of the Council of 15 December 2021 on the European Union Agency for Asylum and repealing Regulation (EU) No 439/2010 (OJ L 468, 30.12.2021, p. 1, ELI: http://data.europa.eu/eli/reg/2021/2303/oj).

*** Regulation (EU) 2016/794 of the European Parliament and of the Council of 11 May 2016 on the European Union Agency for Law Enforcement Cooperation (Europol) and replacing and repealing Council Decisions 2009/371/JHA, 2009/934/JHA, 2009/935/JHA, 2009/936/JHA and 2009/968/JHA (OJ L 135, 24.5.2016, p. 53, ELI: http://data.europa.eu/eli/reg/2016/794/oj).';

(3) Article 10 is amended as follows:

(a) paragraph 3 is replaced by the following:

'3. The power to adopt delegated acts referred to in Article 8f 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.';

(b) paragraph 4 is replaced by the following:

‘4. The delegation of power referred to in Article 7, point (f), and in Article 8f 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.’;

(c) paragraph 8 is replaced by the following:

‘8. A delegated act adopted pursuant to Article 8f 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.’.

Article 2

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

This Regulation shall be binding in its entirety and directly applicable in the Member States in accordance with the Treaties.

Done at …, …

For the European Parliament	*For the Council*
The President	*The President*