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**► B 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**

(codification)

(OJ L 303, 28.11.2018, p. 39)

Amended by:

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► <u>M1</u>	Regulation (EU) 2019/592 of the European Parliament and of the Council of 10 April 2019	L 103I	1	12.4.2019
► <u>M2</u>	Commission Delegated Regulation (EU) 2023/222 of 1 December 2022	L 32	1	3.2.2023
► <u>M3</u>	Regulation (EU) 2023/850 of the European Parliament and of the Council of 19 April 2023	L 110	1	25.4.2023
► <u>M4</u>	Commission Delegated Regulation (EU) 2024/2059 of 31 May 2024	L 2059	1	2.8.2024
► <u>M5</u>	Regulation (EU) 2024/2495 of the European Parliament and of the Council of 18 September 2024	L 2495	1	23.9.2024
► <u>M6</u>	Regulation (EU) 2025/11 of the European Parliament and of the Council of 19 December 2024	L 11	1	14.1.2025
► <u>M7</u>	Regulation (EU) 2025/2441 of the European Parliament and of the Council of 26 November 2025	L 2441	1	10.12.2025



**REGULATION (EU) 2018/1806 OF THE EUROPEAN
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**listing the third countries whose nationals must be in possession of
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Article 1

This Regulation determines 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.

Article 2

For the purposes of this Regulation, ‘visa’ means a visa as defined in point (a) of Article 2(2) of Regulation (EC) No 810/2009 of the European Parliament and of the Council ⁽¹⁾.

Article 3

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

2. Without prejudice to the requirements stemming from the European Agreement on the Abolition of Visas for Refugees of the Council of Europe 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 where they are resident and which has issued them with their travel document is a third country listed in Annex I to this Regulation.

Article 4

1. Nationals of third countries listed in Annex II shall be exempt from the requirement set out in Article 3(1) for stays of no more than 90 days in any 180-day period.

⁽¹⁾ 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) (OJ L 243, 15.9.2009, p. 1).

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2. The following persons shall also be exempt from the visa requirement:

- (a) the nationals of third countries listed in Annex I to this Regulation who are holders of a local border traffic permit issued by the Member States pursuant to Regulation (EC) No 1931/2006 when those holders exercise their right within the context of the local border traffic regime;
- (b) school pupils who are nationals of a third country listed in Annex I to this Regulation, who reside in a Member State applying Council Decision 94/795/JHA ⁽¹⁾ and who 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;
- (c) recognised refugees and stateless persons and other persons who do not hold the nationality of any country, who reside in a Member State and who are holders of a travel document issued by that Member State.

Article 5

Nationals of new third countries formerly part of third countries listed in Annexes I and II shall be subject respectively to Articles 3 and 4 unless and until the Council decides otherwise under the procedure laid down in the relevant provision of the TFEU.

Article 6

1. A Member State may provide for exceptions from the visa requirement provided for in Article 3 or from the exemption from the visa requirement provided for in Article 4 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 19 June 2003 or the International Maritime Organization Convention on Facilitation of International Maritime Traffic of 9 April 1965;
- (d) crew and members of emergency or rescue missions in the event of a disaster or an accident;
- (e) civilian crew of ships navigating in international inland waters;

⁽¹⁾ 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 (OJ L 327, 19.12.1994, p. 1).

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

2. A Member State may exempt from the visa requirement provided for in Article 3:

- (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 who 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 between the Parties to the North Atlantic Treaty regarding the Status of their Forces of 19 June 1951;

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- (d) without prejudice to the requirements stemming from the European Agreement on the Abolition of Visas for Refugees of the Council of Europe 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 Ireland and are holders of a travel document issued by Ireland, which is recognised by the Member State concerned.

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3. A Member State may provide for exceptions from the exemption from the visa requirement provided for in Article 4 as regards persons carrying out a paid activity during their stay.

Article 7

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, the Member State concerned shall notify the European Parliament, the Council and the Commission thereof in writing.

That notification shall:

- (i) specify the date of implementation of the visa requirement and the types of travel documents and visas concerned;
- (ii) 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.

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Information relating to 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 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 within 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) enters into force 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 fix 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.

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Those implementing acts shall be adopted in accordance with the examination procedure referred to in Article 11(2). Without prejudice to the application of Article 6, 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 11(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.

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 10 temporarily suspending the exemption from the visa requirement for a period of 12 months for the nationals of that third country. The delegated act shall fix 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 and shall amend Annex II accordingly. That amendment shall be made by 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.

From the date when the suspension of the exemption from the visa requirement for the nationals of the third country concerned takes effect or when an objection to the delegated act is expressed pursuant to Article 10(7), any implementing act adopted pursuant to point (e) of this Article concerning that third country shall expire. Where the Commission submits a legislative proposal as referred to in point (h), the period of suspension of the exemption from the visa requirement 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 6, 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;

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- (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 to amend 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 to amend 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*.

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 the 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 concerning 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.

▼M7*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.

▼ **M7***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;

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- (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 31 December 2028, 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;

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- (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;

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- (d) reports prepared by the European Border and Coast Guard, established by Regulation (EU) 2019/1896 of the European Parliament and of the Council ⁽¹⁾, the European Union Agency for Asylum, established by Regulation (EU) 2021/2303 of the European Parliament and of the Council ⁽²⁾, the European Union Agency for Law Enforcement Cooperation (Europol), established by Regulation (EU) 2016/794 of the European Parliament and of the Council ⁽³⁾, 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.

⁽¹⁾ 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>).

⁽²⁾ 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>).

⁽³⁾ 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>).

▼ M7*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.

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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.

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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).

▼M7

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*.

▼M7

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.

▼B*Article 9*

1. 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 7 and shall, if necessary, submit a legislative proposal to amend this Regulation. The European Parliament and the Council shall act on any such proposal in accordance with the ordinary legislative procedure.

2. 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 8 and shall, if necessary, submit a legislative proposal to amend this Regulation. The European Parliament and the Council shall act on any such proposal in accordance with the ordinary legislative procedure.

Article 10

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 7 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.

▼M7

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.

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.

▼B

5. 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.

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

7. A delegated act adopted pursuant to point (f) of Article 7 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.

▼M7

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.

▼B*Article 11*

1. The Commission shall be assisted by a committee. That committee shall be a committee within the meaning of Regulation (EU) No 182/2011.

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.

Article 12

1. Member States shall communicate to the other Member States and the Commission the measures they take pursuant to Article 6, within five working days of the adoption of those measures.

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

Article 13

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 14*

Regulation (EC) No 539/2001 is repealed.

References to the repealed Regulation shall be construed as references to this Regulation and shall be read in accordance with the correlation table in Annex IV.

Article 15

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.

*ANNEX I***LIST OF THIRD COUNTRIES WHOSE NATIONALS ARE REQUIRED
TO BE IN POSSESSION OF A VISA WHEN CROSSING THE
EXTERNAL BORDERS OF THE MEMBER STATES**

1. STATES

Afghanistan
Armenia
Angola
Azerbaijan
Bangladesh
Burkina Faso
Bahrain
Burundi
Benin
Bolivia
Bhutan
Botswana
Belarus
Belize
Democratic Republic of the Congo
Central African Republic
Congo
Côte d'Ivoire
Cameroon
China
Cuba
Cape Verde
Djibouti
Dominican Republic
Algeria
Ecuador
Egypt
Eritrea
Eswatini
Ethiopia
Fiji
Gabon
Ghana
The Gambia
Guinea
Equatorial Guinea

▼B

Guinea-Bissau
Guyana
Haiti
Indonesia
India
Iraq
Iran
Jamaica
Jordan
Kenya
Kyrgyzstan
Cambodia
Comoros
North Korea
Kuwait
Kazakhstan
Laos
Lebanon
Sri Lanka
Liberia
Lesotho
Libya
Morocco
Madagascar
Mali
Myanmar/Burma
Mongolia
Mauritania
Maldives
Malawi
Mozambique
Namibia
Niger
Nigeria
Nepal
Oman
Papua New Guinea
Philippines
Pakistan
Qatar
Russia
Rwanda

▼ B

Saudi Arabia
 Sudan
 Sierra Leone
 Senegal
 Somalia
 Suriname
 South Sudan
 São Tomé and Príncipe
 Syria
 Chad
 Togo
 Thailand
 Tajikistan
 Turkmenistan
 Tunisia
 Turkey
 Tanzania
 Uganda
 Uzbekistan

▼ M6

Vanuatu

▼ B

Vietnam
 Yemen
 South Africa
 Zambia
 Zimbabwe

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

▼ M3**▼ B**

— The Palestinian Authority

*ANNEX II*

**LIST OF THIRD COUNTRIES WHOSE NATIONALS ARE EXEMPT
FROM THE REQUIREMENT TO BE IN POSSESSION OF A VISA
WHEN CROSSING THE EXTERNAL BORDERS OF THE
MEMBER STATES FOR STAYS OF NO MORE THAN 90 DAYS
IN ANY 180-DAY PERIOD**

1. STATES

former Yugoslav Republic of Macedonia ⁽¹⁾

Andorra

United Arab Emirates ⁽²⁾

Antigua and Barbuda

Albania ⁽¹⁾

Argentina

Australia

Bosnia and Herzegovina ⁽¹⁾

Barbados

Brunei

Brazil

Bahamas

Canada

Chile

Colombia

Costa Rica

Dominica ⁽²⁾

Micronesia ⁽²⁾

Grenada ⁽²⁾

Georgia ⁽³⁾

Guatemala

Honduras

Israel

Japan

Kiribati ⁽²⁾

Saint Kitts and Nevis

South Korea

Saint Lucia ⁽²⁾

⁽¹⁾ The exemption from the visa requirement shall only apply to holders of biometric passports.

⁽²⁾ 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.

⁽³⁾ The exemption from the visa requirement shall be limited to the holders of biometric passports issued by Georgia in line with standards of the International Civil Aviation Organisation (ICAO).

▼ B

Monaco
Moldova ⁽¹⁾
Montenegro ⁽²⁾
Marshall Islands ⁽³⁾
Mauritius
Mexico
Malaysia
Nicaragua
Nauru ⁽³⁾
New Zealand
Panama
Peru ⁽³⁾
Palau ⁽³⁾
Paraguay

▼ M5

Serbia (including holders of Serbian passports issued by the Serbian Coordination Directorate (in Serbian: *Koordinaciona uprava*) ⁽²⁾)

▼ B

Solomon Islands
Seychelles
Singapore
San Marino
El Salvador
Timor-Leste ⁽³⁾
Tonga ⁽³⁾
Trinidad and Tobago
Tuvalu ⁽³⁾
Ukraine ⁽⁴⁾

▼ M1

United Kingdom (excluding British nationals as referred to in Part 3)

▼ B

United States
Uruguay
Holy See
Saint Vincent and the Grenadines ⁽³⁾
Venezuela

▼ M6**▼ B**

Samoa

⁽¹⁾ The exemption from the visa requirement shall be limited to the holders of biometric passports issued by Moldova in line with standards of the International Civil Aviation Organisation (ICAO).

⁽²⁾ The exemption from the visa requirement shall only apply to holders of biometric passports issued in line with the standards of the International Civil Aviation Organization (ICAO).

⁽³⁾ 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.

⁽⁴⁾ The exemption from the visa requirement shall be 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 ⁽¹⁾Macao SAR ⁽²⁾**3. ►M1 BRITISH NATIONALS WHO ARE NOT BRITISH CITIZENS ◄**

British nationals (Overseas)

British overseas territories citizens (BOTC) ►M1 Those territories include Anguilla, Bermuda, British Antarctic Territory, British Indian Ocean Territory, British Virgin Islands, Cayman Islands, Falkland Islands, Gibraltar ⁽³⁾, Montserrat, Pitcairn, Saint Helena, Ascension and Tristan da Cunha, South Georgia and South Sandwich Islands and Turks and Caicos Islands. ◄

British overseas citizens (BOC)

British protected persons (BPP)

British subjects (BS)

4. ENTITIES AND TERRITORIAL AUTHORITIES THAT ARE NOT RECOGNISED AS STATES BY AT LEAST ONE MEMBER STATETaiwan ⁽⁴⁾**▼M3**Kosovo ⁽⁵⁾ ⁽⁶⁾ ⁽⁷⁾

⁽¹⁾ The exemption from the visa requirement shall only apply to holders of a 'Hong Kong Special Administrative Region' passport.

⁽²⁾ The exemption from the visa requirement shall only apply to holders of a 'Região Administrativa Especial de Macau' passport.

⁽³⁾ Gibraltar is a colony of the British Crown. There is a controversy between Spain and the United Kingdom concerning the sovereignty over Gibraltar, a territory for which a solution has to be reached in light of the relevant resolutions and decisions of the General Assembly of the United Nations.

⁽⁴⁾ The exemption from the visa requirement shall only apply to holders of passports issued by Taiwan which include an identity card number.

⁽⁵⁾ This designation is without prejudice to positions on status, and is in line with UNSCR 1244/1999 and the ICJ Opinion on the Kosovo declaration of independence.

⁽⁶⁾ The exemption from the visa requirement shall only apply to holders of biometric passports issued by Kosovo in line with the standards of the International Civil Aviation Organisation (ICAO).

⁽⁷⁾ The exemption from the visa requirement shall apply from the date on which the European Travel Information and Authorisation System (ETIAS), established by 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), starts operations or from 1 January 2024, whichever date comes first.



ANNEX III

REPEALED REGULATION WITH LIST OF ITS SUCCESSIVE AMENDMENTS

Council Regulation (EC) No 539/2001
(OJ L 81, 21.3.2001, p. 1)

Council Regulation (EC) No 2414/2001
(OJ L 327, 12.12.2001, p. 1)

Council Regulation (EC) No 453/2003
(OJ L 69, 13.3.2003, p. 10)

Act of Accession of 2003, Annex II,
point 18(B)

Council Regulation (EC) No 851/2005
(OJ L 141, 4.6.2005, p. 3)

Council Regulation (EC) No 1791/2006
(OJ L 363, 20.12.2006, p. 1)

Only the eleventh indent of Article 1(1) as
regards Regulation (EC) No 539/2001, and
point 11(B)(3) of the Annex

Council Regulation (EC) No 1932/2006
(OJ L 405, 30.12.2006, p. 23)

Council Regulation (EC) No 1244/2009
(OJ L 336, 18.12.2009, p. 1)

Regulation (EU) No 1091/2010 of the
European Parliament and of the Council
(OJ L 329, 14.12.2010, p. 1)

Regulation (EU) No 1211/2010 of the
European Parliament and of the Council
(OJ L 339, 22.12.2010, p. 6)

Council Regulation (EU) No 517/2013
(OJ L 158, 10.6.2013, p. 1)

Only the fourth indent of Article 1(1)(k) and
point 13(B)(2) of the Annex

Regulation (EU) No 610/2013 of the
European Parliament and of the Council
(OJ L 182, 29.6.2013, p. 1)

Only Article 4

Regulation (EU) No 1289/2013 of the
European Parliament and of the Council
(OJ L 347, 20.12.2013, p. 74)

Regulation (EU) No 259/2014 of the
European Parliament and of the Council
(OJ L 105, 8.4.2014, p. 9)

Regulation (EU) No 509/2014 of the
European Parliament and of the Council
(OJ L 149, 20.5.2014, p. 67)

Regulation (EU) 2017/371 of the European
Parliament and of the Council
(OJ L 61, 8.3.2017, p. 1)

Regulation (EU) 2017/372 of the European
Parliament and of the Council
(OJ L 61, 8.3.2017, p. 7)

Regulation (EU) 2017/850 of the European
Parliament and of the Council
(OJ L 133, 22.5.2017, p. 1)



ANNEX IV

CORRELATION TABLE

Regulation (EC) No 539/2001	This Regulation
Article -1	Article 1
Article 1(1), first subparagraph	Article 3(1)
Article 1(1), second subparagraph	Article 3(2)
Article 1(2), first subparagraph	Article 4(1)
Article 1(2), second subparagraph, introductory wording	Article 4(2), introductory wording
Article 1(2), second subparagraph, first indent	Article 4(2)(a)
Article 1(2), second subparagraph, second indent	Article 4(2)(b)
Article 1(2), second subparagraph, third indent	Article 4(2)(c)
Article 1(3)	Article 5
Article 1(4)	Article 7
Article 1a(1) and (2)	Article 8(1) and (2)
Article 1a(2a)	Article 8(3)
Article 1a(2b)	Article 8(4)
Article 1a(3)	Article 8(5)
Article 1a(4)	Article 8(6)
Article 1a(5)	Article 8(7)
Article 1a(6)	Article 8(8)
Article 1b	Article 9(1)
Article 1c	Article 9(2)
Article 2	Article 2
Article 4	Article 6
Article 4a	Article 11
Article 4b(1) and (2)	Article 10(1) and (2)
Article 4b(2a)	Article 10(3)
Article 4b(3)	Article 10(4)
Article 4b(3a)	Article 10(5)
Article 4b(4)	Article 10(6)
Article 4b(5)	Article 10(7)
Article 4b(6)	Article 10(8)
Article 5	Article 12
Article 6	Article 13
Article 7	Article 14
Article 8	Article 15
Annex I	Annex I
Annex II	Annex II
—	Annex III
—	Annex IV