



Opinion of the European Economic and Social Committee

Revision of the EU Visa suspension mechanism

(own-initiative opinion)

(C/2025/112)

Rapporteur: **Ionuț SIBIAN (RO-III)**

Advisor	Anca NICOVESCU, Rapporteur's Advisor
Plenary Assembly decision	30.11.2024
Legal basis	Rule 52(2) of the Rules of Procedure Own-initiative opinion
Section responsible	External Relations
Adopted in section	25.9.2024
Adopted at plenary session	23.10.2024
Plenary session No	591
Outcome of vote (for/against/ abstentions)	250/0/3

1. Conclusions and recommendations

1.1. The European Economic and Social Committee (EESC) recognises the benefits of visa-free travel for citizens on both sides of these arrangements and the positive effects it has in terms of further strengthening the EU's relations with its partners. The EU visa policy should remain a tool to facilitate people-to-people contacts, tourism and business, while preventing security risks to the EU.

1.2. At the same time, the EESC acknowledges that the security of the EU and its external borders has been profoundly impacted by recent geopolitical events. Therefore, the EESC supports the idea that the EU should be fully prepared to react swiftly to a wide range of potential future security risks, including hybrid threats.

1.3. The EESC considers that efforts should be made to clarify the criteria for triggering the mechanism and at the same time ensure they are flexible enough to allow for their efficient and swift application where necessary.

1.4. The EESC recommends that the Commission assess the necessity, proportionality and consequences of suspending an exemption from the visa requirement, taking into account the overall relations of the Union and its Member States with the third country concerned, how appropriate a suspension would be in remedying the situation, and the impact of a suspension on the rights of the nationals of the country concerned.

1.5. The EESC believes that attention should be paid to the mobility needs of human rights defenders, especially if the human rights situation deteriorates in the third country concerned, and to the potential risks to their work and personal security posed by the activation of the suspension mechanism against their country.

1.6. The EESC considers that investor citizenship schemes operated by third countries with visa-free arrangements represent a risk to Member States' public policy and internal security and it should be possible to suspend the visa exemption for third countries which choose to operate such investor citizenship schemes, whereby citizenship is granted without any genuine link to the country concerned.

2. General comments

2.1. Background to the opinion

2.1.1. The EU visa policy is an essential part of the Schengen *acquis* and one of the most valued achievements of EU integration. Currently, nationals from 61 third countries can benefit from visa-free arrangements in the EU, meaning that these nationals can enter the Schengen area for short stays of up to 90 days in any 180-day period without a visa. The EU's visa-free policy is based on the principle of visa reciprocity.

2.1.2. However, with increasing challenges resulting from irregular migration, and threats to the security of the EU, it has become clear that a safeguard mechanism against the abuse of the visa exemptions is needed and that this mechanism needs to be further strengthened and improved.

2.1.3. The suspension mechanism was introduced in 2013 to enable a temporary suspension of the visa exemption in the event of a substantial increase in irregular migration. It was conceived as a safeguard mechanism against the abuse of the visa exemptions.

2.1.4. The mechanism was revised in 2017 to make it easier for Member States to notify the Commission of circumstances leading to a possible suspension and to enable the Commission to trigger the suspension mechanism on its own initiative.

2.1.5. The suspension mechanism, established in Regulation (EU) 2018/1806 ⁽¹⁾, enables the temporary suspension of the visa exemption in the event of a sudden and substantial increase in irregular migration or security risks.

2.1.6. On 30 May 2023, the Commission adopted a Communication on the monitoring of the EU's visa-free travel regimes ⁽²⁾, setting out a consultation process. The Communication looked at how well the EU's visa-free regimes are working and identified the main challenges in the areas of irregular migration and security. In order to effectively address the multitude of challenges resulting from visa-free travel in a constantly evolving geopolitical context and taking into account the consultation that took place with the European Parliament, Member States and other stakeholders, this proposal aims to adapt the suspension mechanism to such challenges by amending the relevant provisions set out in Article 8 of Regulation (EU) 2018/1806.

2.1.7. The EESC supports the idea that the EU should be fully prepared to react swiftly to a wide range of potential future security risks, including hybrid threats. It also believes that the existing rules set out in Article 8 of Regulation (EU) 2018/1806 (the 'Visa Regulation'), on monitoring how well visa-free arrangements with third countries are working and on suspending visa exemptions in the event of increased irregular migration or security risks (the 'visa suspension mechanism'), should be reassessed and improved.

2.1.8. The EESC considers that efforts should be made to clarify the criteria for triggering the mechanism and at the same time ensure they are flexible enough to allow for their efficient and swift application where necessary. This would help to address the multitude of challenges resulting from visa-free travel in a constantly evolving geopolitical context.

2.2. General comments

2.2.1. The EESC recognises the benefits of visa-free travel for citizens on both sides and the positive effects it has in terms of further strengthening the EU's relations with its partners. Visa-free travel boosts the travel and tourism sector, promotes cultural and academic exchanges, benefits the innovation and technology field and improves diplomatic relations and international cooperation.

⁽¹⁾ 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).

⁽²⁾ COM/2023/297 final.

2.2.2. At the same time, the EESC points out the possible downsides of these arrangements, namely the potential significant migration and security challenges. Increased irregular migration through overstays by visa-free travellers or a high number of asylum applications submitted by nationals from visa-free third countries with low success rates are clear signs that the visa-free arrangements for that particular third country have to be monitored closely and possibly revised/suspended.

2.2.3. The EESC acknowledges that the security of the EU and its external borders has been profoundly impacted by recent geopolitical events, demonstrating that the actions of certain foreign actors may pose serious threats to the Union's security interests.

2.2.4. The EESC believes that, while the suspension mechanism clearly protects the Member States against security threats, it has to be used with maximum care to ensure that it is not used arbitrarily by some Member States.

2.2.5. When the Commission considers suspending the visa exemption or when a Member State issues a notification, the potential impact of the suspension on the nationals of the third country concerned should be taken into account.

2.2.6. The EESC supports the idea that the triggering of the suspension mechanism should be considered in the wider context of the Union's relations with the relevant third country and that specific consideration should be given to the Union's diplomatic and external relations with third countries. Therefore, potential reasons for triggering the mechanism could be violations of human rights and fundamental freedoms, violations of bilateral agreements between the Union and the third country concerned (including violations of the visa reciprocity mechanism), hostile acts towards the Union or Member States and non-compliance or non-alignment with relevant Union sanctions.

2.2.7. The EESC considers that special attention should be paid to avoiding diverging interpretations and the risk of different practices as regards triggering/applying the suspension mechanism.

2.2.8. The EESC recommends that the Commission assess the necessity, proportionality and consequences of suspending an exemption from the visa requirement, taking into account the overall relations of the Union and its Member States with the third country concerned, how appropriate a suspension would be in remedying the situation, and the impact of a suspension on the rights of the nationals of the country concerned, in particular, the risks for human rights defenders.

2.2.9. The EESC considers that investor citizenship schemes operated by third countries with visa-free arrangements represent a risk to Member States' public policy and internal security. A lack of comprehensive security checks, vetting procedures and due diligence pose 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 this purpose, it should be possible to suspend the visa exemption for third countries which choose to operate such investor citizenship schemes, whereby citizenship is granted without any genuine link to the country concerned.

2.3. *Specific comments*

2.3.1. The Committee recommends increased monitoring/communication with countries adopting investor citizenship schemes in order to detect shortcomings in the procedures they use and at the same time encourage these countries to end these types of naturalisation procedures.

2.3.2. The EESC recommends that, if the suspension mechanism is activated, the EU should offer protection (with careful assessments, bearing in mind the need to ensure security in the European Union) to certain categories of people, such as civic and human rights activists, vulnerable people exposed to exclusion or prosecution in third countries (persons with disabilities, members of the LGBTIQ+ community, etc.) and students/members of the academia wishing to travel for professional reasons and who could contribute to technical development and innovation in the EU.

2.3.3. The EESC considers that attention should be paid to the mobility needs of human rights defenders, especially if the human rights situation deteriorates in the third country concerned, and to the potential risks to their work and personal security posed by the activation of the suspension mechanism against their country. Human rights activists should not be put at risk by the suspension mechanism or the permanent termination of visa-free travel.

2.3.4. The EESC stresses that, considering the risks associated with the growing intensification of the work of border guards, the capacity of these authorities should be increased so that they can carry out their tasks effectively.

2.3.5. The EESC stresses the need for the EU's visa exemption policy, based on its policy of respect for human rights, to favour the candidate countries, the countries with which it shares principles and values and the countries with which it maintains agreements based on the democratic clause. The policy should be coherent, it should be based on the interests of the Union and on objective criteria, and it should not give rise to unfair discrimination. In this sense, and in accordance with the outcome of the vote that took place on this matter in the European Parliament's Committee on Civil Liberties, Justice and Home Affairs, the EESC asks the Commission to look for a way to include Ecuador in Annex II (visa-free list) of Regulation (EU) 2018/1806 as soon as possible, preferably before the end of this term of office, as Ecuador was unfairly penalised by a situation that did not bear any relevance to the country's merits.

Brussels, 23 October 2024.

The President
of the European Economic and Social Committee
Oliver RÖPKE
