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COMMISSION STAFF WORKING DOCUMENT

**On the fulfilment by Kuwait and Qatar of the criteria listed in Article 1 of Regulation
(EU) 2018/1806**

Accompanying the

**Proposal for a Regulation of the European Parliament and of the Council
amending Regulation (EU) 2018/1806 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**

(Kuwait, Qatar)

{COM(2022) 189 final}

1. INTRODUCTION

The determination of the third countries whose nationals are subject to, or exempt from, the visa requirement should be made on the basis of case-by-case assessment of a variety of criteria¹. These criteria are laid down in Article 1 of Regulation (EU) 2018/1806² and include irregular 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.

The composition of the lists of countries whose nationals are subject to, or exempt from, the visa requirement (Annex I and II of Regulation (EU) 2018/1806, respectively) should remain consistent with the above mentioned criteria³. In case the criteria are no longer met, the references to the third countries in question should be transferred from one Annex to the other.

This report concludes that on the basis of the aforementioned assessment, nationals of Kuwait and Qatar should be exempted from the visa requirement.

2. ASSESSMENT AGAINST THE CRITERIA OF THE VISA REGULATION

2.1. IRREGULAR MIGRATION

The assessment based on Eurostat data⁴ and visa refusal rates⁵ for the period 2017-2020, combined with the number of nationals that would be covered by the visa exemption⁶ and the GDP per capita of the countries concerned⁷, concludes that the risks of irregular migration for these countries are low. It must be stressed that for both countries the visa refusal rate of nationals is very low (below 1% in 2019 for both countries).

2.1.1. Qatar

No irregular border crossings by Qatari nationals have been reported in the EU since 2015. The absolute number of refusals of entry, detected irregular stays and refusals of visa for Qatar has been low and steady since 2019. The number of refusals of entry for nationals of Qatar decreased both in 2019 and in 2020, with only ten cases reported in 2020. The number of Qatari nationals found to be irregularly staying in the EU has been between 65 and 90 per year since 2017, after peaking at 165 in 2016. In the last decade, the number of asylum applications lodged by citizens of Qatar has never exceeded five per year, with five applications reported in 2019 and none in 2020. The number of persons ordered to leave in the period 2017-2020 was also very low. In 2020, there were ten return decisions and no effective returns.

¹ Recital 3 of 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).

² Article 1 of Regulation (EU) 2018/1806, cited above.

³ Recital 4 of Regulation (EU) 2018/1806, cited above.

⁴ <https://ec.europa.eu/eurostat/web/main/data/database>.

⁵ Statistics on short stay visas issued by Member States are available on https://ec.europa.eu/home-affairs/policies/schengen-borders-and-visa/visa-policy_en.

⁶ Based on statistics on population and citizenship published by the Gulf Cooperation Council Statistical Center (<https://dp.gccstat.org/en/DataAnalysis?wCaJrxGuESIT4xOnxY9QA>), except for Qatar (see footnote 8).

⁷ <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD>.

According to the GCC Statistical Centre, in 2019 Qatar had an estimated population of 3 200 000⁸. According to a consultancy, Qatar had 333 000 Qatari nationals in 2019⁹. In 2020, Qatar was classified by the World Bank as one of the ten richest countries in the world, with a GDP per capita of USD 50,124.40¹⁰.

2.1.2. Kuwait

After an exceptional peak of irregular border crossings by persons reported to Frontex as Kuwaiti nationals in 2017 (485), the number has significantly decreased since then and stood at 22 in 2020. The absolute number of refusals of entry, detected irregular stays and refusals of visa for Kuwait has been low and steady since 2019.

The number of refusals of entry by persons reported by Member States to Eurostat as Kuwaiti nationals has been fluctuating between 80 and 155 since 2017. The number of persons found to be irregularly staying in the EU has been volatile, with 650 in 2019 and 520 in 2020. In 2020, 265 persons reported by Member States as Kuwaiti nationals lodged asylum applications in the EU, 42% less than in 2019 (455). In 2020, the recognition rate was 24%, the lowest level since 2011. In 2020, 225 persons were ordered to return and ten were effectively returned, corresponding to a 4% return rate, down from 10% in 2019.

According to the Gulf Cooperation Council (GCC) Statistical Center¹¹, in 2019 Kuwait had an estimated population of 4 464 521, of which 1 335 712 were Kuwaiti nationals. In 2020, the GDP per capita of Kuwait (USD 24,811.80) was classified by the World Bank as above upper middle income¹².

2.2. SECURITY

Cooperation in the field of security has intensified in recent years, both bilaterally and through the GCC, which at the 30th Joint Cooperation Committee with the EU agreed in principle to the creation of a Joint Working Group on Counter Terrorism. Visa-free travellers will continue to be checked at the EU's external borders whether they fulfil the entry requirements, including by checking the Schengen Information System and Member States' national databases. In addition, visa-exempt travellers visiting the Schengen area will be subject to the EU Entry/Exit System (EES) as of second half of 2022 and to the European Travel Information and Authorisation System (ETIAS) as of May 2023. Cooperation is enshrined in administrative-level Cooperation Arrangements that have been concluded between the European External Action Service (EEAS) and the respective Ministries of Foreign Affairs. Security and counter-terrorism are some of the agreed priority areas for cooperation, and related issues are discussed in annual Senior Officials Meetings. Cooperation materialises through capacity-building activities as well as workshops focusing on exchange of good practices.

2.2.1. Qatar

Qatar has been issuing biometric passports since 2008. Bilateral cooperation with the EU in the field of security has intensified in recent years. Qatar carries out structural cooperation with the EU on counter-terrorism, the prevention and countering of violent extremism, countering

⁸ <https://dp.gccstat.org/en/DataAnalysis?wCaJrxGuESIT4xOnxY9QA>

⁹ <http://priyadsouza.com/population-of-qatar-by-nationality-in-2017/>

¹⁰ <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD>

¹¹ <https://dp.gccstat.org/en/DataAnalysis?wCaJrxGuESIT4xOnxY9QA>

¹² <https://data.worldbank.org/indicator/NY.GDP.PCAP.CD>

terrorism financing and anti-money laundering, countering cybersecurity, cybercrime and the risks relating to malicious use of chemical, biological, radiological and nuclear defence (CBRN). Additionally, Qatar has expressed a strong interest in pursuing a working arrangement with Europol. In December 2021, the Europol Management Board endorsed the inclusion of the country in the agency's list of priority partners to conclude working arrangements, which is periodically revised. In February 2022, Qatar informed Europol about its intention to accept the agency's model working arrangement without amendments. The working arrangement is therefore expected to be concluded soon, once the text is approved by the Europol Management Board.

2.2.2. Kuwait

Kuwait has been issuing biometric passports since 2017. As regards cooperation in the field of security, bilateral cooperation with the EU has intensified in recent years. Kuwait has structural cooperation with the EU on counter-terrorism, the prevention and countering of violent extremism, countering terrorism financing and anti-money laundering, countering cybersecurity, cybercrime and the risks relating to malicious use of chemical, biological, radiological and nuclear defence (CBRN). Kuwait signed a Cooperation Arrangement with the EEAS in July 2016. Kuwait has also signalled a strong interest in further developing security cooperation with the EU, notably as regards strategic communication relating to countering terrorist extremism and radicalisation, cybersecurity and judicial cooperation. Several workshops on the latter topics are envisaged in 2022.

2.3. ECONOMIC BENEFIT, IN PARTICULAR TRADE AND TOURISM

Trade in energy products is a key element of EU relations with both countries.

2.3.1. Qatar

Qatar provides approximately half of Europe's total Liquefied Natural Gas (LNG) imports and is the fifth largest supplier of natural gas representing 5% of all EU gas imports. In 2020, the EU was Qatar's second trading partner (after China), covering more than 15% of the country's overall trade. The EU was also Qatar's first import partner, with a share of 23.8% of Qatar's overall imports. The EU's export of goods in 2020 amounted to EUR 6.9 billion, while the volume of import reached EUR 3.6 billion. The volume of trade in services in 2019¹³ was EUR 6.8 billion, out of which the EU export represented EUR 5.1 billion. As regards Foreign Development Investment (FDI) stocks, in 2019 the overall value reached EUR 39.3 billion, out of which the Qatari investments in the EU represent EUR 31.9 billion, which makes the country a major investor in the EU.

Qatar's 'Vision 2030' strategic programme to diversify the economy could enhance economic cooperation and provide new opportunities for EU exporters and investors. The country's strategic position as a LNG exporter will also imply closer economic cooperation in the future. The EU signed an aviation agreement with Qatar on 18 October 2021, which could further boost business contacts.

¹³ *Idem.*

In 2019, consulates of EU Member States in Qatar issued a total of 85 677 uniform visas and airport transit visas, a figure that went down to 13 504 in 2020 due to the COVID-19- related travel restrictions.¹⁴

2.3.2. Kuwait

In 2020, the EU preserved its position as Kuwait's top trading partner, covering 9% of its overall trade, followed by China (8.4%) and the UAE (4.7%). In 2020, the volume of overall trade in goods was EUR 5.7 billion, out of which the EU export was EUR 4.9 billion and Kuwaiti export amounted to EUR 0.8 billion. As regards trade in services, the overall volume of trade in 2019¹⁵ was EUR 2.4 billion, out of which the EU export amounted to EUR 1.8 billion. Concerning bilateral investment relations, the overall bilateral stock reached EUR 7.8 billion in 2019¹⁶, out of which the Kuwaiti investments in the EU amounted to EUR 4 billion, up from EUR 7.3 billion in 2018.

The Government's 'Vision 2035' strategic plan, aimed at diversifying the economy, provides new opportunities for enhanced economic cooperation between Kuwait and the EU in areas such as digitalisation, data protection, green transition and aviation.

In 2019, consulates of EU Member States in Kuwait issued a total of 152 643 uniform visas and airport transit visas, a figure that went down to 16 628 in 2020 due to the COVID-19-related travel restrictions¹⁷.

Based on the short-stay visas figures for 2019 and the experience of other third countries experience¹⁸, the Commission estimates that the number of visitors from Kuwait could increase by 60%, from 150.000 to 240.000, with spending going from EUR 230 to 310 million. As for Qatar, the number of visitors could increase by 150%, from 85.000 to 212.500, with spending going from EUR 280 to 560 million. This increase would trigger substantial economic benefits, in particular for the tourism industry.

2.4. EXTERNAL RELATIONS

The increasing intensity and depth of EU relations with the GCC countries in the last decade reflects the growing importance of the region for the EU's economic recovery and green transition, global governance, as well as regional security and stability. The EU has continued to expand its diplomatic presence in the region and, in addition to the EU-GCC Cooperation Agreement from 1989, has signed bilateral Cooperation Arrangements with all GCC partners.

Both Kuwait and Qatar have proven to be key partners in handling recent crises, including the repatriation and vaccination efforts in the context of the COVID-19 pandemic, the evacuation of EU nationals, close collaborators and other persons at risk via Doha following the Taliban's take-over of the government in Afghanistan, as well as the efforts to tackle recent hybrid threats against Europe. Both countries cosponsored and voted in favour of the 2 March UN resolution denouncing the Russian invasion of Ukraine and demanding that Moscow withdraw its military

¹⁴ https://ec.europa.eu/home-affairs/policies/schengen-borders-and-visa/visa-policy_en.

¹⁵ Study conducted by Tourism Economics, based on UNWTO and WTTC data.

¹⁶ *Idem*.

¹⁷ https://ec.europa.eu/home-affairs/policies/schengen-borders-and-visa/visa-policy_en.

¹⁸ Calculated on the basis of UK statistics following the introduction by the UK of an electronic visa waiver in 2014 for Kuwaiti and Qatari nationals. Figures have been extrapolated for the EU based on Schengen Visas issued to these two countries. Source: <https://www.visitbritain.org/inbound-tourism-trends?country=3442>

presence Kuwait and Qatar have also proven to be key partners for the EU with regard to the support provided in response to the crisis in Syria, notably through pledges to the Brussels Syria conferences. Kuwait has also played a role in responding to the crisis in Afghanistan, working closely with the GCC, Organisation of Islamic Cooperation and Arab League.

2.4.1. Qatar

Qatar's external policy is increasingly supportive of the EU interests. During the first wave of the COVID-19 pandemic, tens of thousands of EU citizens were repatriated by Qatar's national airline at a heavy financial cost. The evacuation of EU nationals from Afghanistan continues to date and Qatar is securing airport operations together with Turkey. Qatari authorities also facilitated the relocation of Member States' embassies from Kabul to Doha. Qatar, which is the fifth supplier of natural gas to the EU, has expressed willingness to cooperate in overcoming possible disruptions in energy supply to the EU, and has a strong potential for strategic cooperation on energy, green recovery and climate change.

Relations between Qatar and the EU have steadily grown over recent years. A Cooperation Arrangement between the EEAS and the Qatari Minister of Foreign Affairs was signed in March 2018 and a Human Rights Dialogue was launched the same year, with three rounds held so far; the next one planned in 2022, and several high-level bilateral meetings. In October 2021, Qatar became the first Gulf country to sign a Comprehensive Air Transport Agreement (CATA) with the EU. As a result of the ever-growing bilateral engagement, during his visit to Doha the EU High Representative for Foreign Affairs and Security Policy announced the opening of a new EU Delegation to the State of Qatar in 2022, before the country hosts the FIFA World Cup.

2.4.2. Kuwait

Kuwaiti foreign policy has been traditionally supportive to EU interests. With its moderate and balanced stance in the region, the country's influence has been positive in various regional crises, including in its capacity as the Chair of the League of Arab States. Kuwait hosted the very first international event on the future of Syria in 2013 and has made regular contributions to the Syria Recovery Trust Fund (SRTF) since then, amounting to EUR 41.93 million in total. It was also a key actor in the adoption of UN Security Council resolution 2615 (2021) enabling the provision of humanitarian aid to Afghanistan. Due to Kuwait's strong commitment to regional integration (GCC), it remains the EU's key partner in promoting stronger partnership with the Gulf and with GCC in particular.

EU-Kuwait relations have steadily intensified over recent years. A Cooperation Arrangement between the EEAS and the Kuwaiti Minister of Foreign Affairs was signed in 2016 and an informal Human Rights Dialogue was launched in February 2020, with two rounds held so far and the next one planned in 2022. Kuwait is also increasingly seeking convergence with the EU on the green agenda, notably on hydrogen and solar energy.

2.5. HUMAN RIGHTS AND FUNDAMENTAL FREEDOMS

The level of protection of human rights and fundamental freedoms in Kuwait and Qatar remains a challenge in many areas, including as regards the rule of law and the independence of the justice system, freedom of association and peaceful assembly; freedom of expression; torture, ill-treatment, and detention conditions; the total abolition of the death penalty; the rights of women and gender-based violence; labour rights and the treatment of migrant workers, the

persecution of political dissidents; the situation of stateless persons in Kuwait and the targeting, punishment or criminalisation of LGBTIQ persons.

Despite these challenges, Kuwait and Qatar have undergone important societal transformation in the last decade, notably on aspects related to labour issues, freedom of religion or belief and interfaith dialogue. Further progress remains to be accomplished in a number of areas.

Both Kuwait and Qatar engage with the EU on human rights through dedicated Human Rights Dialogues, including discussion on issues of concern such as the death penalty, the enjoyment of civil and political rights (to a lesser extent Qatar), women's rights, LGBTIQ rights, labour rights, and the difficulties in obtaining identification documents for stateless persons (Kuwait). The EU also exchanges information with the countries concerned on individual cases of concern.

The perspective of visa exemption and its preservation over time has the potential to strengthen the commitment of both countries to reforms in the area of human rights and fundamental freedoms and can bring additional sustained improvements notably by strengthening people-to-people contacts between the EU and the two countries. The maintenance of a visa exemption regime will require a concrete commitment for reforms in the area of human rights and fundamental freedoms, reflected in the necessary safeguards included in the visa waiver agreements.

2.5.1. Qatar

Qatar has significantly accelerated its reform efforts in the recent years. Substantial reforms, incentivised by the incoming 2022 FIFA World Cup, include the dismantling of the sponsorship system for foreign workers, which grants excessive powers to the employer over the employee. Reforms in the area of labour rights have included the introduction of the region's first minimum wage for all workers, including foreign workers (which represent 88% of the country's population). In 2018, the International Labour Organisation (ILO) opened an office in Doha aiming at contributing to align Qatar's labour regulations to international standards.

In October 2021, Qatar held the first elections for two thirds of the Shura Council, an advisory body meant to acquire legislative prerogatives following the elections, although no women were elected. The Qatari National Human Rights Committee has established regular interaction with EU institutions. Qatar invited the EU Special Representative for Human Rights to visit the country. The visit, which took place in February 2020, focused on labour reforms and other issues of concern, notably restrictions to freedom of expression. However, Qatar's penal code continues to criminalise several aspects of freedom of expression and the male guardianship system is still applied de facto in a number of areas.

2.5.2. Kuwait

The Parliament's close scrutiny over the government makes Kuwait's checks and balance system the most vibrant in the Gulf region. The Emir recently launched a national dialogue and issued an amnesty to several political dissidents in exile. While freedom of expression continues to be curtailed, Kuwait has a relatively open media compared to other countries in the region. In the context of continued instances of discrimination of women in Kuwait, in September 2021, the Minister of Commerce and Industry issued a decision banning discrimination and sexual harassment in the workplace in the private sector. In implementation

of the annual EU-Kuwait Human Rights Dialogue, a high-level event on Women Economic Empowerment was organised in November 2021, where 15 Kuwaiti private companies signed the ‘Women Empowerment Principles’, raising the total number of signatories in Kuwait to 46.

2.6 VISA RECIPROCITY

There is currently no prior visa requirement for nationals of EU Member States applying the Visa Regulation to enter **Qatar**, for stays of up to 90 days within any 180-day period. **Kuwait** currently requires EU citizens to hold an online visa (eVisa) for a stay up to 90 days. Both countries will be expected to grant full reciprocal visa-free access to EU citizens (for stays of up to 90 days within any 180-day period) in the context of the negotiations of the visa waiver agreement, which will be a condition for the visa exemption to apply.

2.7 REGIONAL COHERENCE

Following the visa exemption granted to nationals of the United Arab Emirates in 2014, a visa exemption for nationals of Kuwait and Qatar would be a step towards regional coherence in the Gulf region.

3. CONCLUSIONS

The present assessment demonstrates low irregular migration risk and moderate security risks stemming from the region, as well as the important economic interest for the EU, in terms of trade, energy cooperation and tourism. Taking also into account the increasing intensity and depth of EU relations with Kuwait and Qatar in the last decade, including in the context of the COVID-19 pandemic and the management of the crisis in Afghanistan, the assessment concludes that nationals of the countries concerned should be granted visa-free access to the EU, as is already the case for the United Arab Emirates.

While serious challenges do remain in the area of fundamental rights, important societal transformations have taken place in the last decade and regular engagement on these matters takes place in bilateral human rights dialogues between Kuwait and Qatar, respectively, and the EU.

The visa waiver agreements that would follow the adoption of the proposal for visa exemption will contain the necessary safeguards to suspend or terminate the agreements if the criteria for visa exemption are no longer met or progress is stalled, including in the area of human rights and fundamental freedoms. The Commission will closely monitor progress in all the assessed areas.

On the basis of the overall assessment of Kuwait and Qatar contained in this Staff Working Document, the Commission is submitting a proposal to the European Parliament and the Council to transfer Kuwait and Qatar from Annex I to Annex II of Regulation (EU) 2018/1806.