EC/Bosnia and Herzegovina agreement: issuance of short-stay visas

2007/0140(CNS) - 18/07/2007 - Legislative proposal

PURPOSE: to sign and conclude an Agreement between the Community and **Bosnia and Herzegovina** on the issuance of short-stay visas.

PROPOSED ACT: Council Decision.

BACKGROUND: the 2003 “Thessaloniki Agenda” recognised the need to integrate and accommodate the visa needs of the Western Balkan countries with those of the EU - a policy which is fully compatible, and in line with, the EU’s Hague Programmes on the development of a common approach on visas. Indeed, the EU has already developed and signed Agreements on short-term visas with both the Russian Federation and with the Ukraine the purpose of which is to facilitate the processing of visas. Accordingly, in 2006 the Council authorised the Commission to begin negotiations with Bosnia and Herzegovina on the issuance of short-stay visas alongside negotiations for a Readmission Agreement. See CNS/2007/0142. These negotiations were concluded in April 2007. Throughout the negotiations process both the Member States and Parliament were kept fully abreast of developments by the Commission.

CONTENT: the purpose of this proposal, therefore, is to request the Council to sign and conclude an Agreement between the Community and Bosnia-Herzegovina on facilitating the issuance of short-stay visas. For the purpose of the proposed Agreement “short-stay” visas will apply to issuing a visa for an intended stay of no more than 90 days per period of 180 days.

The main elements of the proposal can be summarised as follows:

- in principle, a decision on whether or not to issue a visa will have to taken within 10 calendar days. This period may be extended by up to 30 calendar days. In urgent cases the period for taking a decision may be reduced to three working days or less;

- the visa fee will amount to EUR 35. It concerns both single and multiple-entry visas. Certain categories of persons may have their fee waved. For example, close relatives, officials participating in government activities, students, journalists, disabled persons etc.;

- provisions regarding the presentation of documents in the case of a journey have been simplified for certain categories of people including, *inter alia*: close relatives, business people, official delegates, students, drivers conducting international cargo, tourists on organised trips, etc.

- the criteria for issuing multiple-entry visas has been simplified for certain categories of peoples. For example, in the case of members of the Court and the prosecutor office as well as for permanent members of official delegations and spouses and children visiting citizens of Bosnia and Herzegovina, who legally reside in an EU Member States then the visa will be valid for up to five years – or depending on the period of their mandate for legal residence. For participants in scientific, cultural, official exchange programmes and sport events, journalists, business people etc. visas will be valid for a minimum of two years and a maximum of five years. There are, however, conditions attached to this later point;

- holders of diplomatic passports are exempted from the short-stay visa requirements;

- for those citizens who already hold a service passport then the bilateral Agreements that have been signed before 1 January 2007 will continue to apply for a period of five years;

- a Protocol has been attached to the Agreement stating that those Member States who are yet to apply the Schengen *acquis* in full, may unilaterally recognise Schengen visas and residence permits that have been issued to citizens of Bosnia and Herzegovina for the purpose of transit through their territory;

- a European Community Declaration has been attached to the Agreement on the matter of allowing visa applicants access to information on issuing short-stay visas;

- in response to specific requests from Bosnia and Herzegovina, the European Community has attached Declarations to the Agreement regarding those family members who are not legally covered by the provisions of the Agreement as well as for *bona fide* applicants;

- in cases where certain issues are not covered by this Agreement, the normal Schengen rules apply or national law (such as refusing a visa, the recognition of travel documents, proof of sufficient means of subsistence etc).

Neither the United Kingdom nor Ir eland are bound by the Agreement. Nor will Denmark be participating in the Agreement. Since the Agreements on visa facilitation and readmission are linked, both Agreements should be signed, concluded and entered into force simultaneously.