EC/Moldova agreement: facilitation of the issuance of visas

2007/0175(CNS) - 03/09/2007 - Legislative proposal

PURPOSE: to conclude an Agreement between the European Community and the Republic of Moldova on the facilitation of issuance of short-stay visas.

PROPOSED ACT: Council Decision.

BACKGROUND: the legal basis for the EU-Moldova relationship is the Partnership and Cooperation Agreement (PCA), which entered into force on 1 July 1998 (see AVC/1994/0249). Following the adoption of the EU-Moldova European Neighbourhood Policy (ENP) Action Plan in February 2005, the Republic of Moldova is an ENP partner country. With the membership of Romania, the Republic of Moldova shares borders with the Union.

For the European Community, visa facilitation agreements represent a new instrument in the framework of the European short-stay visa policy. The EU developed and used this instrument for the first time in its relations with the Russian Federation and with Ukraine and later also with Albania, Bosnia and Herzegovina, the former Yugoslav Republic of Macedonia, Montenegro and Serbia.

Following the authorisation given by the Council to the Commission on 19 December 2006, negotiations with the Republic of Moldova on the facilitation of the issuance of short-stay visas were opened in Brussels on 9 February 2007, back-to-back with the negotiations on a readmission agreement. However, at that meeting the Moldovan authorities declared that they did not want to negotiate on visa facilitation but on visa liberalisation. Nevertheless after several demarches with the Moldovan authorities, negotiations were continued and one further round of negotiations was held on 17 April 2007 in Brussels and in parallel ("back-to-back") with negotiations on an EC-Republic of Moldova readmission agreement. This round of formal negotiations was prepared by two informal expert meetings.

On 25 April 2007, the final texts of the visa facilitation and readmission agreements were initialled in Chisinau.

CONTENT: the purpose of this proposal, therefore, is to request the Council to sign and conclude an Agreement between the Community and Moldova 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.

European citizens are exempt from the visa obligation by the Republic of Moldova as of 1 January 2007. In this respect, the draft agreement on visa facilitation states that if the Republic of Moldova would reintroduce the visa requirement for EU citizens, the same facilitations granted under the agreement to the citizens of the Republic of Moldova would apply automatically, on the basis of reciprocity, to EU citizens.

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft visa facilitation agreement is acceptable to the Community.

The final content of it can be summarised as follows:

- in principle, for all visa applicants, a decision on whether or not to issue a visa will have to be taken within 10 calendar days. This period may be extended up to 30 calendar days when further scrutiny is needed. In urgent cases, the period for taking a decision may be reduced to two working days or less;

- the visa fee for processing applications of Moldovan citizens shall amount to EUR 35. This fee will be applied to all Moldovan visa applicants and concerns both single and multiple-entry visas. Moreover, certain categories of persons benefit from a full waiving of the visa fee: close relatives, officials participating in government activities, students, disabled persons, humanitarian cases, persons participating in cultural, educational exchange programs and sport or cultural events, journalists, children under the age of 18 and dependent children under the age of 21, pensioners, drivers conducting international cargo and passenger transportation services, and members of the professions;

- the documents to be presented regarding the purpose of the journey have been simplified for some categories of persons: members of official delegations, members of the professions, business people, drivers conducting international cargo and passenger transportation services, members of train crews, journalists, participants in scientific, cultural and sporting events, students, participants in exchange programs, close relatives, representatives of civil society, persons visiting for burial ceremonies, persons visiting military and civil burial grounds and persons visiting for medical reasons. For these

categories of persons, only the documents listed in the agreement can be requested for justifying the purpose of the journey. No other justification, invitation or validation provided for by the legislation of the Member States is required;

- there are also simplified criteria for issuing multiple-entry visas for the following categories of persons:

a) for members of national and regional Governments and Parliaments, Constitutional Court and Supreme Court, permanent members of official delegations, spouses and children visiting citizens of the Republic of Moldova legally residing in the Member States, business people and journalists: visas valid up to five years (or shorter, limited to the period of the validity of their mandate or authorisation for legal residence);

b) members of official delegations, representatives of civil society, members of the professions, drivers conducting international cargo and passenger transportation services, train crews, participants in scientific, cultural, official exchange programs and sport events and students provided that during the previous two years they have made good use of a 1 year multiple-entry visa and the reasons for requesting a multiple-entry visa are still valid: visas valid for a minimum of 2 years and a maximum of 5 years are issued;

- citizens of the Republic of Moldova who are holders of valid diplomatic passports are exempted from the visa requirement for short-stays;

- a protocol was agreed stating that Member States that do not fully apply the Schengen acquis yet, may unilaterally recognise Schengen visas and residence permits issued to Moldovan citizens for the purpose of transit through their territory in accordance with European Parliament and Council Decision 895/2006 /EC. A reference to the future amendment of the Decision (EC) 895/2006 for covering Bulgaria and Romania is added;

- a European Community Declaration is attached to the Agreement on access of visa applicants to information and harmonisation of information procedures for issuance of short-stay visas;

- replying to the specific request formulated by the Republic of Moldova, a European Community Declaration is attached to the Agreement on representation and the Common Application Centre in Chisinau.

For all issues that are not covered by the Agreement the normal Schengen rules or national law continue to apply, such as the refusal of the visa, recognition of travel documents, proof of sufficient means of subsistence, the possibility in the case of doubts to invite applicants for a personal interview in individual cases but also the already existing flexibilities for bona fide travellers.

The specific situations of Denmark, the United Kingdom and Ireland are reflected in the preamble and in two joint declarations attached to the Agreement. The close association of Norway and Iceland to the implementation, application and development of the Schengen acquis is likewise reflected in a joint declaration to the Agreement.