EC/Albania agreement: issuance of short-stay visas

2007/0148(CNS) - 08/11/2007 - Final act

PURPOSE: to conclude an Agreement with Albania on the issuance of short-stay visas.

LEGISLATIVE ACT: Council Decision 2007/821/EC on the conclusion of the Agreement between the European Community and the Republic of Albania on the facilitation of the issuance of visas.

CONTENT : The main provisions of the Agreement can be summarised as follows:

Purpose of the agreement: to facilitate the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the Republic of Albania in the territory of Member States. At the same time, the agreement establishes that if the Republic of Albania were to reintroduce the visa requirement for EU citizens, the same facilitations granted under the agreement to the citizens of the Republic of Albania would apply automatically, on the basis of reciprocity, to EU citizens.

Scope of application of the agreement and primacy of its application over other existing parallel provisions: the agreement does not govern issues concerning the refusal to issue a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures: these issues remain under Albanian law, the law of Member States or Community law.

General provisions for the issuance of a visa: the documents to be presented regarding the purpose of the journey have been simplified for some categories of persons: close relatives (including legal guardians of a child), business people, members of official delegations, students, participants in scientific, cultural and sporting events, journalists, persons visiting military and civil burials, representatives of the religious communities, representatives of civil society, members of the professions, drivers conducting international cargo and passenger transportation services, persons visiting for medical reasons, tourists in organised trips and persons politically persecuted during the communist regime. 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.

Citizens of the Republic of Albania who are holders of valid diplomatic passports are exempted from the visa requirement for short-stays.

For citizens of the Republic of Albania who are holders of valid service passports the bilateral Agreements signed before 1 January 2007 continue to apply for a period of 5 years. A Declaration attached to the Agreement provides the assessment of the service passports system at the latest 4 years after the entry into force of the Agreement.

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. Finally, replying to the specific requests formulated by the Republic of Albania, European Community Declarations are attached to the Agreement on facilitations for family members (not covered by the legally binding provisions of the Agreement) and for bona fide applicants.

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

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members of the Council of Ministers, Parliament, Constitutional and Supreme Courts, permanent members of official delegations and spouses and children visiting citizens of the Republic of Albania legally residing in the Member States: visa valid **up to five years** (or shorter, limited to the period of the validity of their mandate or authorisation for legal residence);

- participants in scientific, cultural, official exchange programmes and sport events, journalists, business people, representatives of the religious communities, representatives of civil society, members of the professions, professional drivers and train crews, students and persons visiting for medical reasons, 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.

The total period of stay of persons referred to above shall not exceed 90 days per period of 180 days in the territory of the Member States.

Fees for processing visa applications: the visa fee for processing applications of Albanian citizens shall amount to **EUR 35** (the current fee for Schengen visas). This fee will be applied to all Albanian 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 (according to the definition in the agreement), officials participating in government activities, students, disabled persons, journalists, representatives of the religious communities, representatives of civil society, members of the professions, members of train crews, pensioners, children under the age of 6, humanitarian cases, drivers conducting international cargo and passenger transportation services, persons participating in scientific, cultural, educational exchange programmes and sport or cultural events and persons politically persecuted during the communist regime.

Length of procedures for processing visa applications: a decision on whether or not to issue a visa will have to be taken within 10 calendar days of receipt of the application. 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 three working days, or less under certain circumstances.

Lost or stolen visas: Citizens of the European Union and of the Republic of Albania who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Republic of Albania or the Member States, may leave that territory on the grounds of valid identity documents entitling to cross the border issued by diplomatic missions or consular posts of the Member States or of the Republic of Albania without any visa or other authorisation.

Territorial validity of visas: once granted, visas given to Albanian citizens shall be valid for all of the European territory. They shall therefore be entitled to travel within the territory of the Member States on an equal basis with European Union citizens.

Final and territorial provisions: the measure takes into consideration the specific situation of Denmark, the United Kingdom and Ireland, non-participating countries in the Schengen acquis and which are therefore not compelled to comply with the provisions of this agreement. The same is true for the association of Norway and Iceland to the Schengen acquis. For all of these countries, a joint declaration establishes that bilateral agreements should be concluded quickly to facilitate the issuance of short-stay visas in similar terms as set out in the agreement.

Other territorial provisions taking into consideration the situation of Switzerland and Liechtenstein are also established.

Finally, note that the agreement is complemented by a protocol for Member States that do not fully apply the Schengen acquis: these Member States can unilaterally recognise Schengen visas and residence

permits for the transit through their territory, in accordance with European Parliament and Council Decision No 895/2006/EC of 14 June 2006. A reference to the future amendment of the Decision N°895 /2006/EC for covering Bulgaria and Romania is added.

ENTRY INTO FORCE: the agreement shall enter into force when all the necessary procedures to this effect have been completed.