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

2007/0140(CNS) - 08/11/2007 - Final act

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

LEGISLATIVE ACT: Council Decision 2007/822/CE on the conclusion of the Agreement between the European Community and Bosnia and Herzegovina on the facilitation of the issuance of visas.

CONTENT: the purpose of this Decision is to conclude an agreement between the Community and Bosnia and Herzegovina aimed at facilitating the issuance of short-stay visas.

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

Objective of the agreement: to facilitate the issuance of visas to Bosnian citizens for an intended stay of no more than 90 days per period of 180 days in a Member State. At the same time, if Bosnia and Herzegovina were to reintroduce visa requirements for EU citizens (who are currently exempt from such requirements) or for certain categories of citizens, the measures in the agreement aimed at facilitating the issuance of visas to the benefit of Bosnian citizens would automatically apply in exactly the same way, based on the principle of reciprocity, to EU citizens.

Scope of application of the agreement and the precedence of its application over existing parallel measures: the agreement does not cover issues such as the refusal of a visa, recognition of travel documents, proof of sufficient means of subsistence and the refusal of entry and expulsion measures. These issues remain under Bosnian law, Community law, or that of Member States.

General measures for issuing a visa: the documents to be presented regarding the purpose of the journey have been simplified for some categories of persons: close relatives (including relatives who are the legal guardian 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 traditional religious communities, representatives of civil society, members of the professions, drivers conducting international cargo and passenger transportation services, persons visiting for medical reasons and tourists in organized trips. 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 Bosnia and Herzegovina who are holders of valid diplomatic passports are exempted from the visa requirement for short-stays.

For citizens of Bosnia and Herzegovina 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 further 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, in response to the specific requests formulated by Bosnia and Herzegovina, 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 the issuance of multiple-entry visas: there are simplified criteria for issuing multiple-entry visas for the following categories of persons:

- for members of the Court and the prosecutor office, permanent members of official delegations and spouses and children visiting citizens of Bosnia and Herzegovina 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 treatment, 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 visas: the fee charged for processing visa applications by Bosnian citizens is set at €35 (i.e. the fee currently charged for Schengen visas). This fee will be applied to all Bosnian applicants, both for single-entry and multiple-entry visas. However, fees are waived for close relatives (according to the definition in the agreement), civil servants participating in public activities, members of the Court of Bosnia and Herzegovina and the prosecutor office, students, disabled persons, journalists, representatives of the traditional religious communities, representatives of civil society, members of the professions, members of train, refrigerator and locomotive crews in international trains, children under the age of six, humanitarian workers and participants in cultural exchange or educational programmes or in sporting or cultural activities.

Length of procedures for processing visa applications: a decision on the request to issue a visa should, in principle, be made within 10 calendar days of the date of the receipt of the application. This period may be extended to up to 30 calendar days, when further scrutiny of the application is needed. In urgent cases, the period of time may be reduced to 3 working days, or less if necessary.

A lost or stolen visa: Citizens of the European Union and of Bosnia and Herzegovina who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of Bosnia and Herzegovina or the Member States, may leave that territory on the basis of valid identity documents entitling them to cross the border issued by diplomatic missions or consular posts of the Member States or of Bosnia and Herzegovina without any visa or other authorization.

Territorial validity of visas: visas granted to Bosnian citizens will be valid within the entire territory of the European Union. These citizens shall, therefore, be entitled to travel within the territory of the Member States on an equal basis with European Union citizens.

Final clauses: the agreement takes into account the particular situation of Denmark, the United Kingdom and Ireland, who do not apply the Schengen acquis and are there for not bound to comply with the measures set out in this agreement. The same can be said for Norway and Iceland's association to the Schengen acquis. For all of these countries, a Community Declaration anticipates the swift signing of bilateral agreements to facilitate the issuance of short-stay visas under similar conditions to those in the agreement.

Other territorial measures bearing in mind the situation of Switzerland and Lichtenstein are also planned.

It is worth noting that the agreement is complemented by a protocol for Member States that do not fully apply the Schengen acquis: these Member States may 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. This decision will be amended to include Romania and Bulgaria.

ENTRY INTO FORCE: the agreement will enter into force when all of the necessary procedures have been carried out. It is expected that the agreement will enter into force on the same day as the parallel readmission agreement concluded with this country, which contains a similar arrangement (see CNS/2007/0142).