EC/Antigua and Barbuda agreement: short-stay visa waiver

2009/0013(CNS) - 30/11/2009 - Final act

PURPOSE: to conclude the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver.

LEGISLATIVE ACT: Council Decision 2009/896/EC on the conclusion of the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver.

CONTENT: by this Decision, the Council approves the Agreement between the European Community and Antigua and Barbuda on the short-stay visa waiver on behalf of the Community.

The content of this agreement can be summarised as follows:

Purpose: this agreement provides for visa-free travel for the citizens of the European Union and for the citizens of Antigua and Barbuda when travelling to the territory of the other Contracting Party for a maximum period of three months during a six months period. European citizens are already exempt from the visa obligation by Antigua and Barbuda, with the exception of the Czech Republic, Latvia, Slovakia and Iceland. A provision has been included in the Agreement stating that Antigua and Barbuda may suspend or terminate the Agreement only in respect of all the Member States of the European Community and, reciprocally, the Community may also suspend or terminate the Agreement only in respect of all of its Member States. The specific situation of the United Kingdom and Ireland is reflected in the preamble.

Scope: the visa waiver covers all categories of persons (ordinary, diplomatic or service/official passport holders) travelling for all kinds of purposes, except for the purpose of carrying out a paid activity. For this latter category, each Member State and also Antigua and Barbuda remains free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Community or national law. In order to ensure harmonised implementation, a joint declaration is attached to the Agreement on the interpretation of the category of persons travelling for the purpose of carrying out a paid activity.

Duration of stay: the agreement takes into account the situation of the Member States that do not yet apply the Schengen acquis in full. As long as they are not part of the Schengen area without internal borders, the visa waiver confers a right for the nationals of Antigua and Barbuda to stay for three months on the territory of each of those Member States (Cyprus, Bulgaria, Romania), independently of the period calculated for the whole Schengen area.

Territorial application: in the case of France and the Netherlands, the visa waiver would entitle nationals of the six countries to stay only in those Member States' European territories. Lastly, the UK and Ireland are not taking part in the adoption of this Decision and are not bound by it or subject to its application.

It should be noted that this Agreement, signed on behalf of the Community on 28 May 2009, has been **provisionally applied** since that date subject to its conclusion at a later date, in accordance with Council Decision 2009/478/EC.

ENTRY INTO FORCE: the Agreement enters into force when all the necessary formalities have been completed.