EU/Georgia Agreement: facilitation of the issuance of visas

2010/0106(NLE) - 05/05/2010 - Preparatory document

PURPOSE: to **conclude** the Agreement between the European Union and Georgia on the facilitation of the issuance of visas.

PROPOSED ACT: Council Decision.

BACKGROUND: following the August 2008 conflict in Georgia, the Extraordinary European Council held in Brussels on 1 September 2008 decided to step up relations with Georgia, including visa facilitation measures.

On 27 November 2008, the Justice and Home Affairs Council formally authorised the Commission to negotiate a visa facilitation agreement between the European Union and Georgia. In February 2009 the Commission informed the Georgian authorities on the basic elements of a visa facilitation agreement and the first round of formal negotiations could be held in Brussels on 2 April 2009. Two further formal rounds of negotiations took place, the last one in Brussels on 24-25 August 2009.

Following a consultation and approval process on both sides as well as further clarification of a few additional points, the agreed text was initialled on 25 November 2009 in Brussels by the Chief Negotiators of both Parties.

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 Union. The consent from the European Parliament is necessary.

IMPACT ASSESSMENT: no impact assessment was carried out.

LEGAL BASIS: Article 77(2a), in conjunction with Article 218 (6)(a) of the Treaty on the Functioning of the European Union (TFEU).

CONTENT: the proposed decision concerning the **conclusion** sets out the necessary internal arrangements for the practical application of the Agreement. In particular, it specifies that the Commission, assisted by experts from Member States, represents the Union within the Joint Committee set up by Article 12 of the Agreement. Under Article 12(4), the visa facilitation committee shall adopt its own rules of procedure. As regards other decisions to be taken by the Joint Committee, the Union position shall be established in accordance with the applicable provisions of the Treaty.

The **final content** of the Agreement can be summarised as follows:

- **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 three working days or less;
- the **visa fee** for processing applications of Georgian citizens shall amount to **€35**. This fee will be applied to all Georgian visa applicants and concerns both single and multiple-entry visas. Moreover, certain categories of persons benefit from a full waiving of the visa fee: pensioners, close relatives, members of national and regional governments, members of official delegations participating in government activities, students, disabled persons, journalists, representatives of civil society,

children under the age of 12, humanitarian cases and persons participating in scientific, cultural, artistic activities and sport events;

- the **documents** to be presented regarding the purpose of the journey have been simplified for some categories of persons: close relatives, business people, members of official delegations, students, participants in scientific, cultural and sporting events, journalists, persons visiting military and civil burials, representatives of civil society, members of the professions drivers conducting international cargo and passenger transportation services 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: (i) for members of national and regional Governments, Constitutional and Supreme Court, permanent members of official delegations and spouses and children visiting citizens of Georgia 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); (ii) participants in scientific, cultural, official exchange programmes and sport events, journalists, students, business people, representatives of civil society, members of the professions and drivers, provided that during the previous two years they have made good use of 1 year multiple-entry visas and the reasons for requesting a multiple entry are still valid: visas valid for a minimum of 2 years and a maximum of 5 years are issued;
- citizens of Georgia who are holders of valid diplomatic passports are exempted from the visa requirement for short-stays.

Other measures concern the following:

- a protocol addresses the specific situation of the Member States that do not fully apply the Schengen acquis yet and their unilaterally recognition of Schengen visas and residence permits issued to Georgian citizens for the purpose of transit through their territory in accordance with Council Decision N° 582/2008/EC;
- a Joint Declaration is attached to the Agreement on access of visa applicants to harmonised information on procedures for issuing short-stay visas and supporting documents;
- replying to specific requests formulated by Georgia, a European Union Declaration is attached to the Agreement on facilitations for family members not covered by the legally binging provisions of the Agreement;
- a Joint Declaration is attached to the Agreement on cooperation on travel documents and regular exchange of information on travel document security.

Territorial provisions: 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, Iceland Switzerland and Liechtenstein to the implementation, application and development of the Schengen acquis is likewise reflected in a joint declaration to the Agreement.

Since the two agreements on visa facilitation and readmission are linked, both agreements should be concluded and enter into force simultaneously.

BUDGETARY IMPLICATION: this proposal has no implication for the Union’s budget.