

EU/Brazil Agreement: short-stay visa waiver for holders of diplomatic, service or official passports

2010/0222(NLE) - 24/02/2011 - Final act

PURPOSE: to conclude an Agreement between the EU and Brazil on short-stay visa waiver for holders of diplomatic, service or official passports.

NON-LEGISLATIVE ACT: Council Decision 2011/157/EU on the conclusion of the Agreement between the European Union and the Federative Republic of

Brazil on short-stay visa waiver for holders of diplomatic, service or official passports.

CONTENT: on behalf of the EU, the Commission negotiated an Agreement with Brazil on short-stay visa waiver for holders of diplomatic, service or official passports. That Agreement was signed, on behalf of the European Union, on 8 November 2010 subject to its conclusion at a later date, in accordance with Council Decision 2010/621/EU. This Decision concludes the Agreement.

The content of the visa waiver agreement for diplomatic, service or official passport holders can be summarised as follows.

Purpose: the EU-Brazil agreement gives reciprocal access to visa-free travel for short stays for all Brazilian and EU citizens holding a diplomatic, service or official passport.

European citizens are already exempt from the visa obligation by Brazil, **with the exception of the citizens of Estonia, Cyprus, Malta and Latvia**. In order to safeguard equal treatment of all EU citizens, a provision has been included in the Agreement stating that Brazil may suspend or terminate the Agreement only in respect of all the Member States of the European Union and, reciprocally, the Union 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 the travelling of persons holding a diplomatic, service or official passport.

Duration of stay: the citizens of the Contracting Parties may stay in each other's territory for a maximum period of three months during a six months period following the date of first entry into the territory of the Contracting Party. 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 Brazil 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.

Other provisions: to settle disputes arising from the interpretation or application of the provisions, this agreement shall be managed by the Committee of Experts set up by the Agreement between the EU and Brazil on the short-stay visa waiver for holders of ordinary passports. A clause on the exchange of specimens of the passports has been inserted into the agreement.

Territorial application: it should be noted that the United Kingdom is not taking part in the adoption of the Agreement and is not bound by it or subject to its application. The Decision also constitutes a development of provisions of the Schengen acquis in which Ireland does not take part.

ENTRY INTO FORCE: the Decision shall enter into force on 24/02/2011. The date of entry into force of the Agreement will be published in the Official Journal of the European Union by the General Secretariat of the Council.