EU/Moldova Visa Facilitation Agreement: amendments and additions

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PURPOSE: to conclude the Agreement between the European Union and Moldova amending the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas.

PROPOSED ACT: Council Decision.

BACKGROUND: the Visa Facilitation Agreement between the European Community and the Republic of Moldova has been in force since 1 January 2008.

Article 12 of the Visa Facilitation Agreement establishes a Joint Committee tasked inter alia with monitoring the implementation of the Agreement and suggesting amendments and additions thereto. At its 5th meeting on 27 May 2010, the Joint Committee made a number of suggestions for amendments and additions to the Agreement.

On that basis the Commission presented on 29 October 2010 a recommendation to the Council in order to authorise the Commission to open negotiations with Moldova on an Agreement amending the Visa Facilitation Agreement. Following the authorisation given by the Council on 11 April 2011, the negotiations with Moldova on an Agreement amending the Visa Facilitation Agreement were opened on 13 May 2011 in Brussels. Three further negotiation rounds took place on 29 August 2011 in Chisinau and on 16 November 2011 and 14 December 2011 in Brussels.

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 aim of this draft Council Decision is to conclude, on behalf of the EU, the Agreement between the European Union and the Republic of Moldova amending the Agreement between the European Community and the Republic of Moldova on the facilitation of the issuance of visas.

Main provisions: the draft amending Agreement foresees inter alia a visa waiver for Moldovan citizens who are holders of biometric service passports. Given the importance of this for the European Union, a letter has been sent on behalf of the European Union to the Republic of Moldova on 28 February 2012 confirming that the European Union may **invoke a partial suspension of the amended Agreement** and in particular the provision providing the visa waiver for holders of biometric service passports, in accordance with the suspension clause of the amended Agreement, if this visa waiver would be misused by the Republic of Moldova or would lead to a threat to public security. This approach was endorsed by Member States at the Visa Working Party on 10 January 2012. The Republic of Moldova agreed to this approach by email of 13 February 2012.

The final content of it can be summarised as follows:

(1) simplified requirements for documents to be presented regarding the purpose of the journey for the following categories of applicants:

- drivers conducting international cargo and passenger transportation services and journalists: have been reviewed;

- members of the technical crew accompanying journalists, close relatives of EU citizens residing in the territory of the Member State of which they are nationals, and participants in official EU cross-border cooperation programmes: have been introduced;

(2) clarification of the provisions on the period of validity of multiple-entry visas for the following categories of applicants:

- the categories listed in Article 5(1) of the Visa Facilitation Agreement as well as spouses, children and parents visiting citizens of the European Union residing in the territory of the Member State of which they are nationals, and the technical crew accompanying journalists in a professional capacity: in principle, multiple-entry visas valid for five years shall be issued. Multiple-entry visas with a shorter period of validity shall only be issued where the expiry date of the travel document requires this or where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period;

- the categories listed in Article 5(2) of the Visa Facilitation Agreement and participants in official EU cross-border cooperation programmes: in principle, multiple-entry visas valid for one year shall be issued. Multiple-entry visas with a shorter period of validity shall only be issued where the expiry date of the travel document requires this or where the need or the intention to travel frequently or regularly is manifestly limited to a shorter period;

(3) a full waiving of the visa fee for the following additional categories of applicants: close relatives of citizens of the European Union residing in the territory of the Member State of which they are nationals, the technical crew accompanying journalists in a professional capacity, participants aged 25 years or less in seminars, conferences, sports, cultural or educational events, organised by non-profit organisations, representatives of civil society organisations undertaking trips for the purposes of educational training, seminars, conferences, participants in official EU cross-border cooperation programmes;

(4) the possibility for an external service provider, with whom a Member State cooperates in view of issuing a visa, to charge a service fee of up to EUR 30, while maintaining the possibility of all applicants to lodge their applications directly at a consulate; on the specific request of the Republic of Moldova, a European Union Declaration is attached to the amending Agreement on the European Union's commitment to outsource the reception of visa applications only as a last resort;

(5) the possibility to waive the requirement to appear in person when lodging an application;

(6) the exemption from the visa requirement for short stays for the citizens of the Republic of Moldova who are holders of biometric service passports: the amending Agreement clarifies that this does not affect the applicability of provisions of existing bilateral Agreements or arrangements between individual Member States and the Republic of Moldova on the exemption of the holders of non-biometric service passports from the visa requirement for short stays.

The amending Agreement comprises:

- a Joint Declaration is attached to the amending Agreement on the cooperation on travel documents and regular exchange of information on document security;
- replying to a specific request formulated by the Republic of Moldova, a European Union Declaration is attached to the amending Agreement on documents to be submitted when applying for short-stay;

- replying to a specific request formulated by the Republic of Moldova, a European Union Declaration is attached to the amending Agreement on facilitations for family members not covered by the legally binging provisions of the Agreement.

Territorial provisions are provided for to take into account:

- the specific situations of Denmark, Ireland and the United Kingdom are reflected in the preamble;
- the association of Switzerland and Liechtenstein to the implementation, application and development of the Schengen *acquis* is reflected in a Joint Declaration to the amending Agreement.

BUDGETARY IMPLICATION: the proposal has no implications for the EU budget.