EU/Brazil Agreement: short-stay visa waiver for holders of ordinary passports

2010/0228(NLE) - 24/02/2011 - Final act

PURPOSE: the conclusion of an agreement with Brazil that exempts ordinary passport holders from visa requirements for short-stay visits.

NON-LEGISLATIVE ACT: Council Decision 2012/508/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 ordinary passports.

BACKGROUND: the Commission has negotiated on behalf of the European Union an Agreement with the Federative Republic of Brazil on short-stay visa waiver for holders of ordinary 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 2010/622/EU. It is now appropriate to approve this agreement on behalf of the European Union.

CONTENT: with this decision, the agreement between the European Union and Brazil on short-stay visa waiver for holders of ordinary passports is approved on behalf of the Union.

The main points of this agreement may be summarised as follows:

Objective of the agreement: the agreement will enable EU and Brazilian citizens to travel on each other' s territory without a visa for **stays of a maximum of 3 months during a six-month period**.

Scope: the agreement covers **holders of ordinary passports**, around 90-95% of travellers, given that it covers a wide range of activities, i.e. tourism, family visits, search for commercial opportunities, attendance at meetings, conferences and seminars, as well as participation in sporting or artistic competitions, on condition that the participants do not receive remuneration.

Travellers not covered: there are, nevertheless, exceptions: citizens who want to undertake research, internships, study, work in the social area or undertake technical assistance activities, religious missionaries, artistic activities are not covered by the agreement. The bilateral visa waiver agreements concluded between the EU Member States and Brazil will continue to apply to these categories of travellers.

Travellers wishing to undertake remunerated or salaried activities are also excluded from the scope of the agreement. Each Member State, as well as Brazil, will remain free to impose the visa requirement on the citizens of the other Party in accordance with the applicable Union or national law, or in accordance with bilateral agreements, which cover this category.

It should be noted that, for four EU Member States, this agreement represents a considerable improvement (Estonia, Cyprus, Malta and Latvia). In fact, although Brazilian nationals could enter all EU Member States without needing a visa for short-term stays (under the terms of Council Regulation (EC) No 539/2001) nationals of these four Member States were required to meet visa requirements prior to entering Brazil or going there in transit. With this agreement, the reciprocity of this right is now total.

Equality of treatment and reciprocity: in order to maintain freedom of treatment of all EU citizens, the agreement includes a provision that stipulates that Brazil may suspend or terminate this Agreement only in respect of all the Member States of the Union.

Other provisions: the agreement establishes a Committee of experts responsible for the management of this agreement and the parallel agreement on diplomatic passports and provides for the exchange of specimens of the different types of passports. Lastly, the agreement includes a joint declaration on the information of the citizens about the visa waiver agreement in order to ensure the correct implementation of this agreement.

Territorial measures: the United Kingdom and Ireland will not participate in the adoption of this decision and shall not be bound by it or subject to its application, in accordance with the relevant provisions of the Treaty.

ENTRY INTO FORCE: he decision enters into force on 24 February 2011. The date of entry into force of the agreement shall be published at a later date in the Official Journal of the European Union.