EU/Cape Verde Agreement: facilitation of the issue of short-stay visas

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PURPOSE: the conclusion of an agreement with Cape Verde on facilitating the issue of short-stay visas.

PROPOSED ACT: Council Decision.

BACKGROUND: relations between the European Union and Cape Verde are governed by the revised ACP-EC Partnership Agreement signed on 23 June 2005. The revised Agreement entered into force on 1 July 2008 as regards Cape Verde. Cape Verde's government and civil society have expressed the wish on a number of occasions to deepen and extend their relations with the European Union.

On 24 October 2007, therefore, the Commission adopted a communication to the Council and to the European Parliament on the future of EU-Cape Verde relations in which it acknowledged the special and strong historical relations existing between the two parties, based on close human and cultural links and shared socio-political values.

The General Affairs and External Relations Council of 19 and 20 November 2007 approved conclusions supporting the communication, the introduction of a special partnership between the EU and Cape Verde that aims at strengthening political dialogue, policy convergence and cooperation between the two parties in new, sensitive sectors, going beyond the traditional donor-beneficiary relationship and creating a framework of mutual interests.

In the context of the special partnership and following the signature of a joint declaration on a mobility partnership between the European Union and Cape Verde, the two parties undertook to develop a dialogue on short-stay visa matters and on questions of readmission.

Based on the above, on 14 November 2008, the Commission submitted a recommendation to the Council asking for its authorisation to open negotiations with Cape Verde on an agreement to facilitate the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union, and on readmission.

Following the authorisation given by the Council on 4 June 2009, negotiations with Cape Verde on the agreement to facilitate the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union started in Brussels on 13 July 2009 and concluded in April 2012.

The final text of the Agreement was initialled in Brussels on 24 April 2012.

Member States have been regularly informed and consulted in the relevant Council working groups at all stages of the negotiations.

IMPACT ASSESSMENT: no impact assessment was undertaken.

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 of the Agreement 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, will represent the Union within the Joint

Committee set up by Article 10 of the Agreement. Under Article 10(4), the Joint Committee may adopt its own rules of procedure. The Union position in this regard is to be established by the Commission in consultation with a special committee designated by the Council. As regards other decisions to be taken by the Joint Committee, the Union position is to be established in accordance with the applicable provisions of the Treaty.

The final content of the agreement may be summarised as follows:

Simplified criteria for issuing multiple-entry visas for the following categories of persons:

- members of national and regional governments and parliaments, constitutional courts, supreme courts and courts of auditors, permanent members of official delegations, business people and representatives of business organisations, spouses, children who are under the age of 21 or are dependent, and parents of citizens of Cape Verde or of the European Union legally residing in the other Party or residing in Cape Verde or in the country of their nationality: in principle, **multiple-entry visas valid for five years are to be issued**. Multiple entry visas with a shorter period of validity will be issued only 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;
- representatives of civil society organisations, practitioners of a liberal profession, persons taking part in scientific, cultural and artistic activities, participants in international sports events and persons accompanying them in a professional capacity, journalists and accredited persons accompanying them in a professional capacity, school pupils, students and accompanying teachers, representatives of religious organisations recognised in Cape Verde or in the Member States, and persons visiting regularly for medical reasons; participants in official exchange programmes organised by twinned towns or municipal authorities; and members of official delegations: in principle, **multiple-entry visas valid for one year** are to be issued. Multiple-entry visas with a shorter period of validity will be issued only 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. Multiple-entry visas that are valid for at least two years and at most five years will be issued provided that during the previous two years the applicant has made good use of a one-year multiple-entry visas and that the need or intention to travel frequently or regularly is not clearly limited to a shorter stay.

Waiving of visa processing fees for certain categories of person: members of official delegations, children under 12, school pupils, students, researchers, participants aged 25 years or less in seminars, conferences or sports, cultural or educational events, organised by non-profit organisations.

Maximum charge: the possibility for an external service provider with whom Cape Verde or a Member State cooperates with a view to the issue of a visa to charge a **service fee of up to EUR 30**, while maintaining the possibility for all applicants to lodge their applications directly at a consulate.

Extension free of charge: extension, free of charge of visas of citizens of Cape Verde and the European Union who are unable to leave the territory of the Member States or Cape Verde respectively by the date indicated in their visas for reasons of *force majeure*.

Limited exemption: in particular for:

- citizens of Cape Verde and of the European Union who are holders of diplomatic or service passports. A joint declaration states that each party may invoke suspension of the provision relating to visa waiver for holders of diplomatic or service passports (Article 8), if the implementation of this provision is abused by the other party or poses a threat to public security. The declaration also

provides that, as a priority, Cape Verde and the European Union must undertake to ensure a high level of security for diplomatic and service passports, in particular by integrating biometric identifiers;

- citizens of Cape Verde and of the European Union who have lost their identity documents, or from whom these document have been stolen while staying in the territory of the host State, to leave the territory of Cape Verde or of the Member States on the basis of valid identity documents without any visa or other authorisation.

Other provisions:

- at Cape Verde's specific request, no provision has been included on simplified requirements for documents to be presented regarding the purpose of the journey;
- the establishment of a joint committee for managing the Agreement;
- provisions governing the entry into force, duration, amendment, suspension and termination of the Agreement; since the agreements on facilitating the issue of short-stay visas and on readmission are linked, they should enter into force simultaneously;
- a protocol has been concluded stating that, in accordance with Decision No 582/2008/EC of the European Parliament and of the Council of 17 June 2008, harmonised measures have been taken in order to simplify the transit of holders of Schengen visas and Schengen residence permits through the territory of the Member States not yet fully applying the Schengen *acquis*;
- a joint declaration on the harmonisation of information on procedures for issuing short-stay visas and documents to be submitted when applying for short-stay visas;
- a joint declaration on cooperation on travel documents and the regular exchange of information on 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.

BUDGETARY IMPLICATIONS: the proposal has no implications for the EU's budget.