EU/Armenia Agreement: facilitation of the issuance of visas

2012/0334(NLE) - 27/11/2012 - Preparatory document

PURPOSE: the conclusion of an agreement between the European Union and Armenia to facilitate the issuance of visas.

PROPOSED ACT: Council Decision.

BACKGROUND: in the context of the Eastern Partnership Summit Declaration of 7 May 2009, the EU and the partner countries stated their political support towards liberalisation of the visa regime in a secure environment and reaffirmed their intention to take gradual steps towards a visa free regime for their citizens in due course.

On that basis and as a first concrete step forward, the Commission presented on 16 September 2011 a recommendation to the Council in order to authorise the Commission to open negotiations with the Republic of Armenia on a Visa Facilitation Agreement.

Following the authorisation given by the Council on 19 December 2011, the negotiations with Armenia on a Visa Facilitation Agreement were opened in Yerevan on 27 February 2012. Two further rounds of negotiations took place on 24 April 2012 in Brussels and on 28 June 2012 in Yerevan. The final text of the Agreement was initialled in Brussels on 18 October 2012 by the chief negotiators.

By Government decision adopted on 4 October 2012, Armenia decided to exempt all EU citizens, as well as those from the Schengen-associated countries, from the visa obligation as from 10 January 2013.

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

The Commission considers that the objectives set by the Council in its negotiating directives were attained and that the draft amending Agreement is acceptable to the Union. The assent of Parliament is required for this agreement.

It is now appropriate to conclude this agreement on behalf of the EU.

IMPACT ASSESSMENT: no impact assessment was undertaken.

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

CONTENT: the proposed decision concerning the conclusion of the agreement lays down the internal procedures necessary for its practical application.

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

- in principle, **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 two working days or less. As a rule, the visa applicants can have an appointment for lodging their application

within a period of two weeks from the date of request and in cases of urgency immediately or without an appointment;

- the **visa fee** for processing applications of Armenian citizens shall amount to **EUR 35**. This fee will be applied to all Armenian visa applicants and concerns both single and multiple-entry visas. Moreover, certain categories of persons benefit from a full waiver of the visa fee: pensioners, close relatives, members of national and regional governments, members of official delegations participating in government activities, pupils and students, persons with disabilities, journalists and the technical crew accompanying them, representatives of civil society and persons invited by Armenian Community non-profit Organisations, 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, pupils and students, participants in scientific, cultural and sporting events, journalists, persons visiting military and civil burials, representatives of civil society and participants in Pan-Armenian community non-profit organisations, 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: (a) for members of national and regional governments, Constitutional and Supreme Court, permanent members of official delegations and spouses and children visiting citizens of Armenia legally residing in the Member States or EU citizens residing in the territory of the Member States of which they are nationals: visas valid for five years (or shorter, limited to the period of the validity of their mandate or authorisation for legal residence); (b) participants in scientific, cultural, official exchange programmes and sport events, journalists, students, business people, representatives of civil society and the Pan-Armenian diaspora non-profit organisations, 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 Armenia who are holders of valid diplomatic passports are exempted from the visa requirement for short-stays.

Other provisions: specific provisions are foreseen in the following fields:

- a protocol addresses the specific situation of the Member States that do not fully apply the Schengen *acquis* yet and their unilateral recognition of Schengen visas and residence permits issued to Armenian 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 the implementation of Article 10 on diplomatic passports;
- an EU Declaration is attached to the Agreement on documents to be submitted when applying for short-stay visas;
- 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. The close association of Norway, Iceland, Switzerland and Liechtenstein to the implementation, application and development of the Schengen *acquis* is reflected in a Joint Declaration to the Agreement.

BUDGETARY IMPACT: the proposal has no impact on the EU's budget.