

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

2012/0271(NLE) - 07/10/2013 - Final act

PURPOSE : to conclude an Agreement between the European Union and Cape Verde to facilitate the issuance of visas.

NON-LEGISLATIVE ACT : Council Decision 2013/521/EU on the conclusion of the Agreement between the European Union and the Republic of Cape Verde on facilitating the issue of short-stay visas to citizens of the Republic of Cape Verde and of the European Union.

BACKGROUND : in accordance with Council Decision 2012/649/EU, the Agreement between the European Union and Armenia on the facilitation of the issuance of visas was signed on 26 October 2012, subject to its conclusion at a later date.

The Agreement should now be concluded on behalf of the EU.

CONTENT : this Decision approves, on behalf of the EU, the Agreement between the European Union and Cape Verde on the facilitation of the issuance of short-stay visas. It establishes the technical rules regarding the application of the Agreement.

Main provisions of the Agreement: the main points 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 etc.: 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 also reflected in a joint declaration to the Agreement.

It should be noted that the Agreement is linked to the [Agreement on the readmission of persons residing without authorisation](#) concluded with Cape Verde.

These Agreements will enter into force simultaneously.

ENTRY INTO FORCE : the Decision enters into force on 7 October 2013. 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.