

EU/China Agreement: short-stay visa waiver for holders of diplomatic passports

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PURPOSE: to conclude an Agreement between the European Union and China on the short-stay visa waiver for holders of diplomatic passports.

PROPOSED ACT: Council Decision.

ROLE OF THE EUROPEAN PARLIAMENT: the Council may adopt the act only if Parliament has given its consent to the act.

BACKGROUND: China is among those countries whose nationals are required to hold a visa when travelling to the Schengen area. EU citizens also need a visa to enter China.

In the context of the **EU-China Mobility and Migration Dialogue** established in October 2013, the European Union and China agreed on a **cooperation package** comprising measures in the area of irregular migration and visa policy that would be negotiated or implemented in two interdependent phases:

- in the first phase, a reciprocal visa waiver agreement for holders of diplomatic passports would be negotiated and Member States would be authorised by the Chinese authorities to open visa application centres in 15 designated Chinese cities;
- in the second phase, both sides would negotiate visa facilitation and readmission agreements.

On 14 September 2015 the Council authorised the opening of negotiations with China for a short-stay visa waiver agreement for holders of diplomatic passports and addressed negotiating directives to the Commission. The negotiations were opened on 21 September. The agreement was initialled by the chief negotiators of the EU and China respectively on 3 and 4 November 2015.

CONTENT: the Commission proposes that the Council **approve the Agreement between the European Union and China on the short-stay visa waiver for holders of diplomatic passports.**

The main provisions of the proposal may be summarised as follows:

Purpose and scope: the agreement provides for visa-free travel for citizens of the European Union holding a valid diplomatic passport or an EU laissez-passer and for citizens of China holding a valid diplomatic passport when travelling to the territory of the other Contracting Party.

A provision has been included in the agreement stating that China may suspend or terminate the agreement only in respect of all the Member States of the European Union and that the Union may also only suspend or terminate the agreement in respect of all of its Member States.

The Decision constitutes a development of the provisions of the Schengen acquis. The **United Kingdom and Ireland** are therefore not taking part in the adoption of the Decision and are not bound by it or subject to its application.

Duration of stay: the agreement provides for **visa-free travel for a maximum period of 90 days in any 180-day period.**

The agreement takes into account the situation of the Member States that do not yet apply the Schengen acquis in full. As long as these Member States ((currently Bulgaria, Croatia, Cyprus and Romania) are not part of the Schengen area without internal borders, the visa waiver confers a right for the Chinese holders of diplomatic passports to stay for 90 days in any 180-day period on the territory of each of those Member States, independently of the period calculated for the whole Schengen area.

Visits by high officials: the agreement stipulates that officials at or above vice-ministerial level of the central government and officers of or above the rank of major general of the armed forces must inform the competent authorities of the country to be visited through diplomatic channels before they travel to its territory for official purposes.

Exchange of specimens: the agreement provides for the exchange of specimens of diplomatic passports and the EU laissez-passer no later than 90 days after the date of signature of the agreement.

Territorial application: the agreement clarifies that the visa waiver for Chinese holders of diplomatic passports only applies to the European territories of France and the Netherlands.

Joint declarations: a joint declaration on the interpretation of the period of 90 days in any 180-day period is attached to the agreement. In addition to the joint declaration, two other joint declarations are attached to the agreement regarding:

- the association of Norway, Iceland, Switzerland and Liechtenstein to the implementation, application and development of the Schengen acquis;
- the relationship of this agreement to other fields of cooperation in the framework of the EU-China Mobility and Migration Dialogue.

The agreement establishes a Joint Committee for the management of the agreement whose tasks include, among others, the monitoring of its implementation as well as suggesting amendments or additions.