Agreement EC/Russian Federation: issuance of short-stay visas

2006/0062(CNS) - 19/04/2007 - Final act

PURPOSE: to conclude an Agreement between the European Community and the Russian Federation concerning short-stay visas.

LEGISLATIVE ACT: Council Decision 2007/340/EC on the conclusion of the Agreement between the European Community and the Russian Federation on the facilitation of issuance of short-stay visas.

BACKGROUND: this Decision has been adopted in follow-up to an EU-Russian agreement at the St Petersburg summit to negotiate firstly, an Agreement on Readmission and secondly, to make better use of existing flexibilities in the Schengen agreement regarding visas. The formal initialling of the completed texts took place in Moscow on 4 April 2006.

This Decision concerns the issuing of short-stay visas and is accompanied with a Decision to conclude an Agreement between the EU and Russia on Readmission. (Please refer to CNS/2006/0064).

CONTENT: In summary, the main elements of the Decision are as follows:

Purpose and scope of application: the purpose of this Agreement is to facilitate, on the basis of reciprocity, the issuance of visas for an intended stay of no more than 90 days per period of 180 days to the citizens of the European Union and the Russian Federation.

For all visa applicants: In principle, a decision on whether or not to issue a visa will have to be taken within 10 calendar days. This period may be extended by up to 30 days, depending on whether further scrutiny of the applications is required or not. In urgent cases the period can be reduced by three days or less.

Visa Fees: Russian fees for issuing visas has been reduced to **EUR 35** thereby aligning it with the fee charged under the current Schengen system. The flat rate fee will be charged to all EU and Russian citizens and concerns both single and multiple-entry visas. In urgent cases, a **EUR 70 fee** will be charged. This higher charge, however, will not apply to cases where a visa request relates to the death of a relative or to humanitarian cases. A waiving of the fee has been foreseen and applies to: close relatives, officials participating in government activities, students, persons participating in cultural and educational exchange programmes and sporting events.

Issuing visas: For certain categories of people the documentation required has been simplified. This provision applies, amongst others, to close relatives, students, journalists and passenger transportation services. For these categories of people, only those documents listed in the Agreement must be provided. No other justification, invitation or validation is required.

Holders of diplomatic passports have been exempted from the visa requirement for short-stays. A Joint Declaration states that each Party might invoke a suspension of the provision related to a visa waiver for holders of diplomatic passports, should the implementation of this provision be abused by other Parties or lead to a threat in public security.

Simplification of procedures for issuing multiple-entry visas: The criteria for issuing multiple-entry visas has been simplified considerably. This applies to the following category of persons:

- members of national and regional governments and parliaments, members of the constitutional and supreme courts and spouses and children visiting citizens of the EU or the Russian Federation, residing legally in one or the other territory. Their visas will be valid for up to five years (or shorter, limited to the period of the validity of their mandate or authorisation for legal residence, respectively.)

- members of official delegations, business people, participants in scientific, cultural and sporting events, journalists and drivers and train crews, provided that during the previous two years they have made good use of a 1 year multiple-entry visas and the reason for requesting a multiple-entry are still valid. Their visas will be valid for a minimum of two years and a maximum of five years.

Length of procedures for processing visa applications: Diplomatic missions and consular posts of the Member States and the Russian Federation shall take a decision on the request to issue a visa within 10 calendar days of the date of the receipt of the application and documents required for issuing the visa.

The period of time for taking a decision on a visa application may be extended up to 30 calendar days in individual cases, notably when further scrutiny of the application is needed. The period of time for taking a decision on a visa application may be reduced to 3 working days or less in urgent cases.

Registration procedures: On the question of registration procedures, both Parties have agreed to undertake simplification measures as soon as possible.

Departure in case of lost or stolen documents: citizens of the European Union and of the Russian Federation who have lost their identity documents, or from whom these documents have been stolen while staying in the territory of the Russian Federation or the Member States, may leave that territory on the grounds of valid identity documents entitling to cross the border issued by diplomatic missions or consular posts of the Member States or of the Russian Federation without any visa or other authorisation.

Provisions regarding Schengen visa or residence permit holders during transit: A Protocol has been agreed, according to which the European Community would undertake measures to simplify transit for persons holding a Schengen visa or Schengen residence permit and who are transiting through the territory of a Member States that has yet to fully apply the Schengen *acquis*.

It should be noted that within this context the European Parliament and the Council on 14 June 2006 adopted two related Decisions firstly, on the a simplified regime for the control of persons and the unilateral recognition by the new Member States of documents issued by Schengen states as equivalent to their national visas for the purpose of transit; and secondly, on the recognition by the new Member States and Schengen States of residence permit issued by Switzerland and Liechtenstein as equivalent to their national visas for the purpose of transit. (Please refer to COD/2005/0158 and COD/2005/0159 respectively).

Final provisions: the specific situation regarding Denmark, the United Kingdom and Ireland are reflected in the preamble and in two joint Declarations attached to the Agreement, in which it is stated that the provisions of this Agreement will not apply to them. The close association of Norway and Iceland to the implementation, application and development of the Schengen acquis is likewise reflected in a joint declaration to the Agreement. Since the two Agreements on visa facilitation and readmission are linked, both agreements should be signed, concluded and enter into force simultaneously.