Basic information

2010/0222(NLE) NLE - Non-legislative enactments Decision	Procedure completed
EU/Brazil Agreement: short-stay visa waiver for holders of diplomatic, service or official passports See also 2018/0086(NLE) **Subject** 7.10.04 External borders crossing and controls, visas **Geographical area** Brazil	

Key players

European Parliament

Committee responsible	Rapporteur	Appointed
LIBE Civil Liberties, Justice and Home Affairs	ENCIU Ioan (S&D)	26/10/2010
	Shadow rapporteur MACOVEI Monica (PPE)	

Council of the European Union

Council configuration	Meetings	Date
Justice and Home Affairs (JHA)	3034	2010-10-07
Justice and Home Affairs (JHA)	3071	2011-02-24
Justice and Home Affairs (JHA)	3043	2010-11-08

European Commission

Commission DG	Commissioner
Migration and Home Affairs	MALMSTRÖM Cecilia

Key events

Date	Event	Reference	Summary
06/08/2010	Preparatory document	COM(2010)0410	Summary
08/11/2010	Debate in Council		
26/11/2010	Legislative proposal published	16362/2010	Summary
13/12/2010	Committee referral announced in Parliament		

26/01/2011	Vote in committee		Summary
28/01/2011	Committee report tabled for plenary, 1st reading/single reading	A7-0010/2011	
15/02/2011	Decision by Parliament	T7-0050/2011	Summary
15/02/2011	Results of vote in Parliament		
24/02/2011	Act adopted by Council after consultation of Parliament		
24/02/2011	End of procedure in Parliament		
12/03/2011	Final act published in Official Journal		

Technical information

Procedure reference	2010/0222(NLE)
Procedure type	NLE - Non-legislative enactments
Procedure subtype	Consent by Parliament
Legislative instrument	Decision
Amendments and repeals	See also 2018/0086(NLE)
Legal basis	Treaty on the Functioning of the European Union TFEU 077-p2 Treaty on the Functioning of the European Union TFEU 218-p6a
Other legal basis	Rules of Procedure EP 165
Stage reached in procedure	Procedure completed
Committee dossier	LIBE/7/03559

Documentation gateway

European Parliament

Document type	Committee	Reference	Date	Summary
Committee draft report		PE454.477	08/12/2010	
Committee report tabled for plenary, 1st reading/single reading		A7-0010/2011	28/01/2011	
Text adopted by Parliament, 1st reading/single reading		T7-0050/2011	15/02/2011	Summary

Council of the EU

Document type	Reference	Date	Summary
Document attached to the procedure	13708/2010	28/09/2010	
Legislative proposal	16362/2010	26/11/2010	Summary

European Commission

Document type	Reference	Date	Summary
Preparatory document	COM(2010)0410	06/08/2010	Summary

Additional information		
Source	**Document**	**Date**
National parliaments	IPEX	
European Commission	EUR-Lex	

Final act	
Decision 2011/0157 OJ L 066 12.03.2011, p. 0001	Summary

EU/Brazil Agreement: short-stay visa waiver for holders of diplomatic, service or official passports

2010/0222(NLE) - 06/08/2010 - Preparatory document

PURPOSE: to conclude an Agreement between the EU and Brazil on short-stay visa waiver for holders of diplomatic, service or official passports.

PROPOSED ACT: Council Decision.

BACKGROUND: in accordance with Council Regulation (EC) No 539/2001, Brazilian nationals can travel to all Member States of the European Union without requiring a visa for short stays. This should be reciprocated by Brazil, however the country still requires a visa from the nationals of four Member States: Estonia, Cyprus, Malta and Latvia.

For constitutional reasons, Brazil cannot grant a visa waiver for these Member States unilaterally; it is necessary to conclude a visa waiver agreement to be ratified by its Parliament.

Brazil has bilateral visa waiver agreements with the Member States, except the four concerned. These bilateral agreements differ from each other considerably as regards their personal scope of application (i.e. as regards the categories of persons benefiting from the visa waiver).

It stems from the nature of the common visa policy and the exclusive external competence of the European Union in this area that only the Union can negotiate and conclude a visa waiver agreement, and not the individual Member States. Therefore, on 18 April 2008, the Council adopted a decision authorising the Commission to open negotiations on the conclusion of a short-stay visa-waiver agreement between the European Union and Brazil.

During the negotiations, the Contracting Parties agreed to conclude two separate agreements: one on ordinary passport holders and the other on diplomatic and service passport holders, since the agreement on diplomatic and service passport holders does not need to be ratified by the Brazilian Congress, thus its ratification can go quicker and separately from the agreement on ordinary passport holders.

The negotiations on the visa waiver agreement for holders of diplomatic and service passports were finalized on 19 November 2009. The Agreement was initialled on 28 April 2010. It is now necessary to approve this Agreement on behalf of the European Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

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

CONTENT: The final content of the visa waiver agreement for diplomatic, service or official passport holders can be summarised as follows.

Purpose: the EU-Brazil agreement gives reciprocal access to visa-free travel for short stays for all Brazilian and EU citizens holding a diplomatic, service or official passport.

European citizens are already exempt from the visa obligation by Brazil, with the exception of the citizens of Estonia, Cyprus, Malta and Latvia. In order to safeguard equal treatment of all EU citizens, a provision has been included in the Agreement stating that Brazil may suspend or terminate the Agreement only in respect of all the Member States of the European Union and, reciprocally, the Union may also suspend or terminate the Agreement only in respect of all of its Member States. The specific situation of the United Kingdom and Ireland is reflected in the preamble.

Scope: the visa waiver covers the travelling of persons holding a diplomatic, service or official passport.

Duration of stay: the citizens of the Contracting Parties may stay in each other's territory for a maximum period of three months during a six months period following the date of first entry into the territory of the Contracting Party. The agreement takes into account the situation of the Member States that do not yet apply the Schengen acquis in full. As long as they are not part of the Schengen area without internal borders, the visa waiver confers a right for the nationals of Brazil to stay for three months on the territory of each of those Member States (Cyprus, Bulgaria, Romania), independently of the period calculated for the whole Schengen area.

Other provisions: to settle disputes arising from the interpretation or application of the provisions, this agreement shall be managed by the Committee of Experts set up by the Agreement between the European Union and the Federative Republic of Brazil on the short-stay visa waiver for holders of ordinary passports. A clause on the exchange of specimen of the passports has been inserted into the agreement.

This proposal constitutes the legal instruments for the conclusion of the Agreement. The Council will decide by qualified majority. The European Parliament will have to give its consent on the conclusion of the Agreement, in accordance with Article 218 (6) (a) (v) of the TFEU.

BUDGETARY IMPLICATION: this proposal has no implications for the EU budget.

EU/Brazil Agreement: short-stay visa waiver for holders of diplomatic, service or official passports

2010/0222(NLE) - 24/02/2011 - Final act

PURPOSE: to conclude an Agreement between the EU and Brazil on short-stay visa waiver for holders of diplomatic, service or official passports.

NON-LEGISLATIVE ACT: Council Decision 2011/157/EU on the conclusion of the Agreement between the European Union and the Federative Republic of

Brazil on short-stay visa waiver for holders of diplomatic, service or official passports.

CONTENT: on behalf of the EU, the Commission negotiated an Agreement with Brazil on short-stay visa waiver for holders of diplomatic, service or official passports. That Agreement was signed, on behalf of the European Union, on 8 November 2010 subject to its conclusion at a later date, in accordance with Council Decision 2010/621/EU. This Decision concludes the Agreement.

The content of the visa waiver agreement for diplomatic, service or official passport holders can be summarised as follows.

Purpose: the EU-Brazil agreement gives reciprocal access to visa-free travel for short stays for all Brazilian and EU citizens holding a diplomatic, service or official passport.

European citizens are already exempt from the visa obligation by Brazil, **with the exception of the citizens of Estonia, Cyprus, Malta and Latvia**. In order to safeguard equal treatment of all EU citizens, a provision has been included in the Agreement stating that Brazil may suspend or terminate the Agreement only in respect of all the Member States of the European Union and, reciprocally, the Union may also suspend or terminate the Agreement only in respect of all of its Member States. The specific situation of the United Kingdom and Ireland is reflected in the preamble.

Scope: the visa waiver covers the travelling of persons holding a diplomatic, service or official passport.

Duration of stay: the citizens of the Contracting Parties may stay in each other's territory for a maximum period of three months during a six months period following the date of first entry into the territory of the Contracting Party. The agreement takes into account the situation of the Member States that do not yet apply the Schengen acquis in full. As long as they are not part of the Schengen area without internal borders, the visa waiver confers a right for the nationals of Brazil to stay for three months on the territory of each of those Member States (Cyprus, Bulgaria, Romania), independently of the period calculated for the whole Schengen area.

Other provisions: to settle disputes arising from the interpretation or application of the provisions, this agreement shall be managed by the Committee of Experts set up by the Agreement between the EU and Brazil on the short-stay visa waiver for holders of ordinary passports. A clause on the exchange of specimen of the passports has been inserted into the agreement.

Territorial application: it should be noted that the United Kingdom is not taking part in the adoption of the Agreement and is not bound by it or subject to its application. The Decision also constitutes a development of provisions of the Schengen acquis in which Ireland does not take part.

ENTRY INTO FORCE: the Decision shall enter into force on 24/02/2011. 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.

EU/Brazil Agreement: short-stay visa waiver for holders of diplomatic, service or official passports

2010/0222(NLE) - 15/02/2011 - Text adopted by Parliament, 1st reading/single reading

The European Parliament adopted a legislative resolution in which it gives its consent to the conclusion of the Agreement between the European Union and Brazil on short-stay visa waiver for holders of diplomatic, service or official passports.

EU/Brazil Agreement: short-stay visa waiver for holders of diplomatic, service or official passports

2010/0222(NLE) - 26/11/2010 - Legislative proposal

PURPOSE: to conclude the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports.

PROPOSED ACT: Council Decision.

BACKGROUND: the Commission negotiated on behalf of the European Union an Agreement with the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports. That Agreement was signed, on behalf of the European Union, on 8 November 2010 subject to its conclusion at a later date.

It is now appropriate for this Agreement to be approved on behalf of the Union.

IMPACT ASSESSMENT: no impact assessment was carried out.

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

CONTENT: with this proposed Decision, the Agreement between the European Union and the Federative Republic of Brazil on short-stay visa waiver for holders of diplomatic, service or official passports is hereby approved on behalf of the Union.

For further information on the content of this Agreement, please refer to the summary of the previous initial legislative document dated 06/08/2010.

Territorial application: this proposal constitutes a development of provisions of the Schengen aqcuis in which the United Kingdom and Ireland do not take part. They shall not take part in its adoption and shall not be bound by or subject to its application.

BUDGETARY IMPLICATION: this proposal has no implication for the Union’s budget.